

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

VOLUME 11      NUMBER 252

Washington, Saturday, December 28, 1946

## Regulations

### TITLE 7—AGRICULTURE

#### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

##### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES, GROWN IN THE STATE OF CALIFORNIA

CROSS REFERENCE: For notice of referendum to be conducted among the producers of fresh Bartlett pears, plums and Elberta peaches grown in the State of California see Department of Agriculture, Office of the Secretary, in Notices section, *infra*.

#### Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-18]

##### PART 1596—FOOD IMPORTS

###### PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by War Food Order No. 63, as amended (10 F. R. 103, 8950, 10419; 11 F. R. 2630, 5105), Appendix A is hereby revised as follows:

1. By deleting the following item therefrom:

###### Food and Commerce Import Class No.

Cod, haddock, hake, pollock and cusk, pickled or salted (except in oil, etc., and in airtight containers, weighing with contents, not over 15 pounds each): 0069.000, 0069.200, 0069.900.

2. By adding the footnote reference "1" after the following listed items:

Food	Commerce Import Class No.
Sugar, beet	1580.750-1580.000 inc.
Beet sugar	1580.750-1580.000 inc.
Sugar, cane	1610.750-1610.000 inc.
Cane sugar	1610.750-1610.000 inc.
Rice:	
Paddy	1051.000
Uncleaned or brown rice	1051.100
Cleaned or milled rice	1053.000
Patna rice, cleaned, for use in canned soups	1054.000
Rice meal, flour, polish and bran	1059.100
Broken	1059.200

This amendment shall become effective at 12:01 a. m., e. s. t., December 24, 1946.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087; WFO 63, 10 F. R. 8950; 11 F. R. 2630)

Issued this 23d day of December 1946.

[SEAL]      JESSE B. GILMER,  
Acting Administrator,  
Production and Marketing  
Administration.

[F. R. Doc. 46-21966; Filed, Dec. 27, 1946; 8:47 a. m.]

### TITLE 10—ARMY: WAR DEPARTMENT

#### Chapter V—Military Reservations and National Cemeteries

##### PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

###### COLORADO

CROSS REFERENCE: For the revocation of Public Land Order 152, which ordered the withdrawal of certain public lands for the use of the War Department for airport purposes and which was included in the tabulation contained in § 501.1 of this part, see Title 43, Chapter I, Public Land Order 333 of the Appendix, *infra*.

### TITLE 19—CUSTOMS DUTIES

#### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51591]

##### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

###### PART 16—LIQUIDATION OF DUTIES

###### BAGGAGE

1. Section 10.17 *Returning residents; exemptions; articles not accompanying resident or shipped in bond to another port; certified copy of declaration*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.17), is amended as follows:  
a. Paragraph (g) is amended by inserting the words "or a certificate on customs Form 6059-A," after "10.20 (c) (4)."

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Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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<sup>1</sup> P. L. O. 333.	

in the second sentence, by inserting a period after the word "destination," and by deleting the remainder of the paragraph.

b. Paragraph (h) is amended by inserting "24a" as a footnote reference after "household" in the second sentence, and by inserting after footnote 24 the following footnote:

<sup>24a</sup> The term "members of a family residing in one household" shall include all persons related by blood, marriage, or adoption who lived together in one household at their last permanent residence and who intend to live together in one household after their return to the United States.

"CIE 629/43, 12/21/43" shall be added as a marginal reference to paragraph (h).

c. Paragraph (i), as amended by T. D. 51066 (9 F. R. 6056), is further amended by adding the following at the end: "Except as indicated in paragraph (j) of this section, the procedure in this paragraph shall not be followed in the case of persons returning from or through contiguous countries."

d. Paragraph (j) is amended to read:

(j) The declaration of a resident returning from or through a contiguous country covering articles which may be the subject of a claim for free entry under the \$100 exemption shall be in duplicate when:

(1) The goods not cleared when the passenger arrives will all arrive subse-



quently in only one shipment. In such a case the duplicate copy, duly certified, shall be forwarded to the shipper by the declarant to accompany the shipment and for use as an entry for the articles under the conditions stated in paragraph (i) of this section. If the declarant has knowledge that articles declared as coming from one shipper will not arrive in the United States as one shipment, a duplicate shall not be prepared or if already prepared shall be destroyed by the customs officer.

(2) The goods not cleared when the passenger arrives consist only of articles in checked baggage which does not accompany the declarant. In such a case the certified copy may be used as an entry, under the conditions stated in paragraph (i) of this section, for clearing articles listed thereon which are included in the checked baggage.

(3) The declaration covers articles said to be contained in checked baggage which does not accompany the declarant and also articles to arrive subsequently in one or more other shipments. In such a case the certified copy shall be given to the declarant to clear the articles in checked baggage in the same manner as under paragraph (i) of this section and shall be used for no other purpose.

The duplicate copy of the baggage declaration shall be certified by the customs officer and shall show in ink or indelible pencil, over the officer's signature and title, the amount of the exemption allowed by him on all articles accompanying the passenger and shall be returned to the passenger for use as stated above. A card, customs Form 3349, shall be issued to the declarant for each subsequent shipment referred to in subparagraph (3) of this paragraph for use as specified in paragraph (k) of this section.

e. Paragraph (k) is redesignated (l) and a new paragraph (k) is inserted to read as follows:

(k) In the case of a resident returning from or through a contiguous country, when there will be more than one subsequent shipment which may be entitled to the \$100 exemption, only an original copy of the baggage declaration shall be prepared, except as provided for in paragraph (j) (3) of this section, and a card, customs Form 3349, shall be issued to the declarant for each such subsequent shipment. The customs officer receiving the baggage declaration shall advise the declarant as to the proper preparation of the card with instructions to return it to the shipper for forwarding with the shipment. When a shipment arrives accompanied by customs Form 3349, or in any other case where it is necessary to establish a claim for allowance under the \$100 exemption, the collector at the port holding the merchandise shall fill out the top portion of customs Form 6059-A and forward it to the port where the passenger arrived, which will be the control port in the case of persons arriving from or through contiguous countries, for certification as to the amount of exemption allowance and return to the collector at the port where the merchandise is held. Upon receipt of the certificate on customs Form 6059-A, properly completed, it shall be treated in all respects as a cer-

tified duplicate copy and disposed of in the same manner.

f. Paragraph (l), formerly (k), as amended by T. D. 51125, is further amended to read:

(l) When articles purported to be in a shipment declared by a resident who returned from or through a contiguous country are not found, or are so broken or destroyed as to constitute a nonimportation as defined in § 15.10 of this chapter, and such articles may be the subject of a claim for free entry under the \$100 exemption, the customs officer at the port where the shipment is cleared through customs shall issue a card on customs Form 3349 showing the port where the passenger arrived, and return the card to the declarant for sending to the shipper to accompany the articles shipped to supply the shortage or as replacements. Duplicate articles furnished by the foreign supplier as replacements for articles so damaged as to constitute a nonimportation shall be considered to have been acquired abroad within the meaning of the \$100 exemption provision, provided no charge is made for the duplicate articles. (Par. 1798; sec. 201, 46 Stat. 683, sec. 337, 49 Stat. 1959, sec. 36, 52 Stat. 1093, sec. 498, 46 Stat. 728; 19 U. S. C. 1201, 1498.)

"BCL 2514, 1/30/46" shall be inserted as a marginal reference to paragraph (l).

2. Section 10.20 *Declaration and entry*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.20), is amended as follows:

a. Paragraph (c) (4) and (5), as amended by T. D. 51125 (9 F. R. 11603) is further amended to read:

(c) *Persons arriving from or through contiguous countries.* \* \* \*

(4) When the baggage of a returning resident, who is required to execute a written baggage declaration (see subparagraph (2) of this paragraph), is examined and passed by a customs officer stationed in foreign territory, the declaration shall be in triplicate. On all copies of the declaration, the customs officer in foreign territory shall indicate the articles passed by him and the total value thereof found for United States customs purposes. The original and a certified duplicate of the declaration shall be returned to the declarant for surrender to the customs officer on the train or vessel on which the declarant arrives in the United States, or to the customs officer at the port of arrival, in order that such customs officer may determine what exemption, if any, already has been granted. The original shall be filed at the port of first arrival. When the certified copy is not required at the port of arrival, as outlined in § 10.17 (j), it shall be destroyed by the customs officer at the port of arrival.

(5) When the declarant after the examination and passing of his baggage in foreign territory acquires additional articles before arriving in the United States, a supplemental declaration thereof in original only shall be made to the customs officer to whom the original and certified copy of the declaration made in foreign territory are surrendered. The supplemental declaration, duly signed by the declarant and the customs officer,

shall be attached to the original declaration and both filed as one document. If the certified copy is required as outlined in § 10.17 (j), before it is returned to the declarant it shall be completed by the customs officer who receives the supplemental declaration (l) by showing thereon the additional items declared and the exemption granted, and (ii) by including a certification that they are covered by the supplemental declaration on file at the port of arrival. If the aggregate declared purchase prices or values exceed the allowable exemption, the values found for United States customs purposes of all exemptions granted on the supplemental declaration shall be indicated thereon as well as on the certified copy. No other copy of a baggage declaration shall be returned to the passenger by the customs officer who receives the original declaration upon the passenger's arrival.

b. Paragraph (i) is amended to read:

(i) *Regular entry.* Subject to any applicable exemption from entry requirements, articles not passed under a baggage declaration, certified copy thereof, or certificate in lieu of a certified copy, customs Form 6059-A, as provided for by § 10.17, shall be entered in the same manner as a regular importation."

(Sec. 498, 46 Stat. 728; 19 U. S. C. 1498)

3. Paragraph (c) of § 16.12 *Appraisal, baggage, informal and mail entries*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.12 (c)), is amended by substituting "originals, certified copies, or certificates in lieu of certified copies, customs Form 6059-A," for "whether originals or certified copies" in the first sentence and by substituting "original, certified copy, or certificate in lieu of a certified copy" for "original or certified copy" in the second sentence.

(Secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1505, 1624)

[SEAL] W. R. JOHNSON,  
Commissioner of Customs.

Approved: December 19, 1946.

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 46-21964; Filed, Dec. 27, 1946;  
8:46 a. m.]

[T. D. 51590]

#### PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

##### APPLICATION OF CARRIERS FOR PERMISSION TO TRANSFER MERCHANDISE IN BOND

Section 18.1 *Carriers; application to bond*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 18.1), is hereby amended as follows:

1. Paragraph (a) is amended by adding at the end the following sentence: "For the purposes of this section, the term 'common carrier' means a common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route or a freight forwarder as defined in section 402 of part IV of the Interstate Commerce Act."

2. Paragraph (c) is amended by inserting after the first sentence the following



sentence: "In addition to the foregoing a freight forwarder shall submit in duplicate a certificate issued by the Interstate Commerce Commission showing that it is operating as a freight forwarder as defined in section 402 of part IV of the Interstate Commerce Act."

3. Footnote 1 to Part 18 is amended to read as follows:

<sup>1</sup> Under such regulations and subject to such terms and conditions as the Secretary of the Treasury shall prescribe, any common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route for the transportation of merchandise in the United States, or any freight forwarder, as defined in section 402 of part IV of the Interstate Commerce Act (U. S. C., Supp. III, title 49, sec. 1002 (5)), upon application, may, in the discretion of the Secretary, be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued. (19 U. S. C., Supp., 1551)

(59 Stat. 667, 49 Stat. 1538, sec. 624, 46 Stat. 759; 19 U. S. C. 1551a, 1624)

[SEAL] FRANK DOW,  
Acting Commissioner of Customs.

Approved: December 19, 1946.

E. H. FOLEY, JR.,  
Acting Secretary of the Treasury.

[F. R. Doc. 46-21963; Filed, Dec. 27, 1946;  
8:46 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Federal Security Agency

#### PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINER

##### CANNED PEAS

CROSS REFERENCE: For notice of proposed rule making under this part, see F. R. Doc. 46-21961, Federal Security Agency, Food and Drug Administration, in Notices section, *infra*.

## TITLE 24—HOUSING CREDIT

### Chapter VI—Federal Public Housing Authority

#### PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: PROCEDURES

##### MISCELLANEOUS AMENDMENTS

Sections 610.204 (c) (7), 610.214, and 610.218 (a)<sup>1</sup> are amended, effective January 1, 1947, to read as follows:

§ 610.204 *Development program.* \* \* \*  
(c) *Contents of development program.* \* \* \*

(7) Utility analyses, accompanied by a certification, or other evidence of approval, of the schedule of rates by the utility company, and, where required by local law or the FPHA, by the appropriate local regulatory commission or body.

§ 610.214 *Utility rates and selections—*  
(a) *Comparative cost analysis.* The

<sup>1</sup> Part 610, formerly Part 601, appeared at 10 F. R. 7321.

local authority shall select utilities for heat, light, water, cooking, and refrigeration to be supplied to the tenants in the project on the basis, generally, of the lowest total over-all cost including project and tenant cost. To determine which type of fuel and energy for utilities will be at the lowest cost, comparative cost analyses shall be made. In such analyses the various types of fuel and energy, types of service, and types of purchase which may be combined shall be studied to determine the estimated (1) debt service on the initial cost of installation and equipment (wiring, piping, etc., both interior and exterior, ranges, refrigerators, etc.), (2) cost of repairs, maintenance and replacements and (3) cost of operations including fuel or energy consumed and labor. Such analyses shall show the total monthly costs per unit for the various feasible types of services. The cost analyses should include only practicable combinations of services.

(b) *Selection of utility combinations.* The local authority shall generally use types of fuel, energy, and services which are consistent with the minimum acceptable amenities for low-rent housing and shall generally select that combination of such utilities shown by comparative cost analyses to represent the lowest total over-all cost of utilities including project and tenant costs: *Provided, however,* That the local authority may, with FPHA approval, select a combination which involves a total monthly cost per unit above the lowest if such amenities are determined to be necessary to achieve local objectives as to low-rent housing and if the costs are consistent with the maintenance of the low-rent character of the project.

(c) *Utility contracts.* The local authority shall submit proposed utility contracts for prior approval by the FPHA. Such contracts must be approved and executed prior to the advertisement for bids for the construction contract (see § 610.218).

\* \* \* \* \*  
§ 610.218 *Advertisement and award of construction or equipment contracts—*  
(a) *Release of documents.* Contract documents shall not be released for bidding until:

(1) The local authority has acquired the site or has definite assurance that it will be acquired in time to make a prompt contract award;

(2) The local authority has executed utility contracts satisfactory to the FPHA;

(3) The plans, specifications, and contract documents have been reviewed and approved by the FPHA for conformance with the development program and the contract for financial aid. If no exceptions are found, approval to advertise will be given by the FPHA; otherwise approval will be given subject to the local authority's correction of exceptions.

(50 Stat. 888; 42 U. S. C. 1401-30)

Approved: December 20, 1946.

D. S. MYER,  
Commissioner.

[F. R. Doc. 46-21955; Filed, Dec. 27, 1946;  
8:46 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Office of Temporary Controls, Office of the Administrator

#### PART 3—DELEGATION OF AUTHORITY

##### [OTC Reg. 2]

#### ADOPTION, RATIFICATION, CONFIRMATION AND VALIDATION OF OPA ACTIONS

§ 3.101 *Adoption, ratification, confirmation and validation of OPA actions.* All rules, regulations, orders, directives, directions, certificates, delegations of authority, including the continuing authority to issue orders and to take other action thereunder, organizational documents, procedural documents, and any other actions which were issued or taken by, or under the authority of, the Price Administrator, or by any other authorized official of the Office of Price Administration, and which were in effect on December 12, 1946 are, in accordance with Executive Order 9809, hereby adopted, ratified and confirmed, and shall remain in full force and effect until they expire by their terms or are revoked or amended. (E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued this 19th day of December 1946.

PHILIP B. FLEMING,  
Temporary Controls Administrator.

[F. R. Doc. 46-21945; Filed, Dec. 27, 1946;  
8:47 a. m.]

### Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 28, Direction 24]

##### NONALCOHOLIC CARBONATED BEVERAGE BOTTLING EQUIPMENT

The following direction is issued pursuant to Priorities Regulation 28:

(a) *What this direction does.* Applications from persons qualifying under paragraph (f) of PR-28 for CC ratings for certain types of beverage bottling equipment have been approved in such volume that they have pre-empted an undue proportion of the total production. To provide a fair amount of equipment for unrated orders, this direction restricts the issuance of CC ratings for this equipment, and provides a ceiling on required deliveries on rated orders. The direction applies only to the following types of beverage bottling equipment:

- (1) Filler Crowners, having a rated capacity of 75 cases and under per hour.
- (2) Carbonators, having a rated capacity of 300 gallons and under per hour.



(3) Bottle Washers (Soakers), having a rated capacity of 120 cases and under per hour.

(b) *Issuance of ratings.* Until the supply of equipment more closely approximates the demand, the CPA will issue CC ratings for the types of beverage bottling equipment described in paragraph (a) only in cases of emergency under paragraph (h) or for export under paragraph (i) of Priorities Regulation 28.

(c) *Limit on required acceptance of CC ratings.* No manufacturer need accept or fill a CC rated order for any item of equipment of the types described in paragraph (a) if it would cause him to deliver on CC rated orders in any calendar month more than 50% of his total deliveries of that item in that month on all orders, both rated and unrated.

Issued this 27th day of December 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-22028; Filed, Dec. 27, 1946;  
11:31 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 34, as Amended Dec. 27, 1946]

§ 944.55 *Priorities Regulation 34—(a) What this regulation does.* There is a shortage in the supply of certain materials, held by the Reconstruction Finance Corporation and various government agencies for defense, for private account and for export. This regulation states the rules applicable to purchases of these materials from the RFC either directly from its own stock or from the stocks of other government owning agencies. The regulation indicates in respect to which

materials a purchase from the RFC must first be authorized by the Civilian Production Administration and explains who may apply for such authorization and in what manner. The regulation applies only to the materials listed on Table A below. This Table includes, but is not limited to, certain so-called strategic and critical materials covered by War Assets Administration Regulation 17 (11 F. R. 9573, 12306).

(b) *Materials for the purchase of which from RFC an authorization is required from CPA.* Before a person may purchase from RFC certain of the materials on Table A, he must obtain an authorization from CPA. Whether or not an authorization is required, is indicated in Column 2. In Column 3 appears a reference to the Branch or Division of the CPA responsible for the materials. In Column 4 is specified the class of persons who may apply for an authorization to purchase from the RFC, and in respect to those materials in which the distribution is covered by CPA orders, a reference to the appropriate order is made. In some instances, Column 4 indicates that a certification will be required from the applicant.

Where Column 4 indicates applications are to be made by letter, the applicant should state: (1) the purpose for which the material is required; (2) his present inventory of the material requested; (3) the number of days supply represented by the present inventory, plus the amount requested, based on his current or scheduled rate of operation; (4) the efforts he has made to obtain the material from private sources of supply, foreign or domestic; (5) the efforts he has made to obtain and use a suitable substitute and (6) any other information

pertinent to the application. In general, CPA will authorize the purchase of the material from RFC only if the material is not available from private sources of supply, foreign or domestic; no suitable substitute material is available; and the proposed purchase conforms with applicable CPA inventory restrictions on the material in question. Authorization for the purchase will be made by the CPA on Form CPAI-3669 to RFC. CPA will notify the applicant of the action taken.

(c) *Materials for the purchase of which no authorization is required from CPA.* If Column 2 in Table A indicates that no CPA authorization is required, the material may be purchased directly from RFC upon filing with the purchase order the certificate required in Column 4.

(d) *Restrictions on purchasers.* A purchaser from the RFC of any of the materials listed on Table A below, must not violate any CPA order or regulation controlling the amount of any such material he may receive or the use or disposition he may make of it. Persons buying for resale are subject to all applicable inventory restrictions, and any materials obtained under this regulation by such persons must be offered for sale promptly in accordance with applicable CPA orders and regulations.

NOTE: The application and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of December 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

NOTE: Item "Lead: Pig" amended Dec. 27, 1946.

TABLE A

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
METALS AND MINERALS			METALS AND MINERALS—continued
Aluminum: primary pig.....	Yes.....	Aluminum and magnesium branch.	Primary producers may apply by letter.
Antimony: metal, ore and concentrates; liquated (needle) antimony.....	Yes.....	Tin, lead and zinc branch....	Applications may be filed in accordance with General Preference Order M-112.
Asbestos: Rhodochlorite fiber (grade C and GI, C&G/2 and C&G/3); African Amosite fiber (grades M1 and 3/DM1); and Cape Blue.	Yes.....	Cork, asbestos and fibrous glass branch.	Manufacturers of building materials may apply by letter.
Beryl: Ores or concentrates.....	Yes.....	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Bismuth: Metal.....	Yes.....	Tin, lead and zinc branch....	Processors and users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Alloys, or scrap, containing 50 percent or more by weight of metallic bismuth.	No.....	do.....	May be sold only to smelters and reproducers who give the seller in writing a certificate in substantially the form shown in Note 1 to this table.
Cadmium: Metal.....	Yes.....	do.....	Users may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Finished alloys containing metallic cadmium (in- cluding but not limited to low melting point alloys).	No.....	do.....	May be sold only to smelters, reproducers or users who give the seller, in writing, a certificate in substantially the following form: "The undersigned certifies to the seller and CPA, subject to the penalties of Section 35A of the United States Criminal Code that (i) he is a smelter, reproducer or user of finished alloys containing metallic cadmium; (ii) he is unable to get the material obtained with this certificate from private sources of supply, foreign or domestic; (iii) his inventory of the type of material covered by this purchase order (including this lot) will not be in excess of his succeeding 30 days' requirements; (iv) material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations."
Scrap containing metallic cadmium but not con- taining 50 per cent or more by weight of any other metal.	No.....	do.....	May be sold only to smelters and reproducers who give the smelter, in writing, a certificate in substantially the form shown in Note 1 below this table.
Chromite: metallurgical and chemical ores and concentrates.	Yes.....	Steel branch.....	Processors and users may apply by letter.



TABLE A—Continued

Material (1)	CPA authorization required (2)	CPA division or branch responsible for material (3)	Remarks (4)
<b>METALS AND MINERALS—continued</b>			<b>OTHER MATERIALS—continued</b>
Copper:			
Electrolytic or fire refined copper; cathodes, wire bars, cakes, slabs, ingots, ingot bars, billet, or bars.	Yes.....	Copper branch.....	Brass mills, wire mills and ingot makers may apply on Form CPA-4542.
Cartridge brass ingots, slabs, discs, bars, partly or completely manufactured ammunition cases, fired cases or remelt ingot; gilding metal mill forms or remelt ingot.	Yes.....	do.....	Brass mills, wire mills, smelters and refiners may apply on Form CPA-4513.
Leaded brass mill forms or remelt ingot; and copper or copper base alloy scrap.	No.....	do.....	
Corundum: crystal or boulder ores or concentrates; primary grains and black cleavable.	Yes.....	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Cryolite: ore, natural.	Yes.....	Aluminum and magnesium branch.	Processors or refiners may apply by letter.
Graphite: Madagascar flake and fines and Ceylon lump.	Yes.....	Miscellaneous minerals and mining branch.	Processors may apply by letter.
Kyanite: ore.	Yes.....	do.....	Do.
Lead:			
Pig.	Yes.....	Tin, lead and zinc branch.....	Users and processors may apply by letter. However, in view of the extremely limited supply, sales will be authorized only in cases of emergency.
Alloys, or scrap, containing 50 percent or more by weight of metallic lead; residues.	No.....	do.....	May be sold only to smelters and reproducers who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
Manganese: metallurgical ores.	Yes.....	Steel branch.....	Processors and users may apply by letter.
Mica: Muscovite block, film and splittings; Phlogopite block and splittings.	Yes.....	Miscellaneous minerals and mining branch.	Fabricators may apply by letter.
Nickel: oxide.	No.....	Steel branch.....	May be sold only to smelters and reproducers who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
Platinum, refined.	Yes.....	Miscellaneous minerals and mining branch.	Apply by letter.
Quartz crystals: raw quartz, radio grade, and scrap.	Yes.....	do.....	Processors may apply by letter.
Tin:			
Pig.	Yes.....	Tin, lead and zinc branch.....	Applications may be filed in accordance with Conservation Order M-43.
Alloys, or scrap, containing 50 per cent or more by weight of metallic tin; residues.	No.....	do.....	May be sold only to smelters and reproducers who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
Zinc:			
Slab, ores and concentrates, and die cast alloys.	Yes.....	do.....	Processors and users may apply by letter. However, in view of the extremely limited supply, sales of metal (slab) will be authorized only in cases of emergency.
Other alloys, or scrap, containing 50 percent or more by weight of metallic zinc; residues.	No.....	do.....	May be sold only to smelters and reproducers who give the seller, in writing, a certificate in substantially the form shown in Note 1 to this table.
<b>OTHER MATERIALS</b>			
Ethyl alcohol.	Yes.....	Chemicals division.....	Industrial alcohol producers may apply on CPA Form 2947.
Manila fiber.	Yes.....	Textile division.....	Applications may be filed in accordance with Conservation Order M-84.
Molasses.	Yes.....	Chemicals division.....	Applications may be filed in accordance with Conservation Order M-84.
Quinidine and salts.	Yes.....	do.....	Applications may be filed in accordance with Conservation Order M-131.
Quinine and salts.	Yes.....	do.....	Do.
Rubber: natural rubber, natural rubber latex, butyl, GR-S synthetic.	Yes.....	Rubber division.....	Applications may be filed in accordance with Rubber Order R-1.
Sisal fiber.	Yes.....	Textile division.....	Applications may be filed in accordance with Conservation Order M-84.

NOTE 1: Where required by a note in Column 4, a certificate in substantially the following form should be used by smelters and reproducers:

The undersigned certifies to the seller and CPA, subject to the penalties of section 35A of the United States Criminal Code, that (i) he is a smelter or reproducer and will use the material obtained with this certificate in his smelting or reprocessing operations; (ii) he is unable to get these materials from private sources of supply, foreign or domestic; (iii) his inventory of the type of materials covered by this purchase order (include this lot) will not be in excess of applicable CPA inventory restrictions; and (iv) the material obtained under this purchase order will be used or disposed of only in accordance with applicable CPA orders and regulations.

[F. R. Doc. 46-22031; Filed, Dec. 27, 1946; 11:31 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-1004]

LUDWIG BROS., INC.

Ludwig Brothers, Inc., a corporation with offices located at 1140 Normandy Drive, Miami Beach, Florida, is engaged in business as a building contractor. On April 6, 1946, without authorization from the Federal Housing Administration or

the Civilian Production Administration, the corporation began and carried on the construction of a one family residence located at 1770 Biarritz Drive, Normandy Isle, Miami Beach, Florida, at a cost in excess of \$11,000 which amount exceeded the \$400 limit permitted by Veterans' Housing Program Order No. 1. Robert M. Ludwig, the president and responsible officer of the corporation, was aware of the restriction on construction and the actions of the corporation in the beginning, carrying on and completing such construction constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

#### § 1010.1004 Suspension Order S-1004.

(a) For a period of three months from the effective date of this order, Ludwig Brothers, Inc., shall not apply or extend any preference ratings regardless of the delivery date named in any purchase order to which such ratings may be applied or extended.

(b) Ludwig Brothers, Inc., shall cancel immediately all preference ratings which it has applied or extended to orders which

have not yet been filled, except that if it has extended a customer's rating to get an item for delivery without change in form to that customer (as distinct from replacing it in inventory), it need not cancel the rating, provided the item when received is promptly delivered to the customer whose rating was extended.

(c) All preference ratings, allotments and allocations presently outstanding in connection with orders for delivery of materials to Ludwig Brothers, Inc., or placed prior to the termination date of this order are void and shall not be given any effect by suppliers of Ludwig Brothers, Inc., or any other person. This does not apply to material already delivered or in transit for delivery to it on the effective date of this order.

(d) The provisions of this order shall not apply to the following houses under construction by the Ludwig Brothers, Inc., with the priorities numbers assigned:

Location	Priority
1 house—Anderson Park, Dade County, Fla.....	88-066-426
1 house—228 Ocean Drive, Golden Beach, Fla.....	66-066-01286
15 houses—South Miami Heights, Dade County, AMVET City, Fla.....	83-066-66



(e) Ludwig Brothers, Inc., shall refer to this order in any application or appeal which it may file with the Civilian Production Administration or the National Housing Authority for priorities assistance.

(f) Nothing contained in this order shall be deemed to relieve Ludwig Brothers, Inc., from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(g) The restrictions and prohibitions contained herein shall apply to Ludwig Brothers, Inc., its successors and assigns or persons acting in its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(h) This order shall take effect on the 26th day of December 1946.

Issued this 19th day of December 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-22034; Filed, Dec. 27, 1946;  
11:32 a. m.]

#### PART 3270—CONTAINERS

[Conservation Order M-81, as Amended  
Dec. 27, 1946]

##### CANS

Section 3270.31 *Conservation Order M-81* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials entering into the manufacture of cans for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

#### § 3270.31 *Conservation Order M-81*—

(a) *What this order does.* This order places restrictions upon cans made of tinfoil or terneplate. Cans made exclusively of blackplate or tinfoil waste, terneplate waste, tinfoil waste-waste, or terneplate waste-waste are no longer restricted by this order. The order no longer sets any quotas. The order lists in Schedule I the only products which may be packed in tinfoil or terneplate cans with certain exceptions set forth in paragraph (f) of the order.

(b) *Definitions.* For the purpose of this order:

(1) "Can" means any unused container made in whole or in part of tinfoil or terneplate which is suitable for packing any product. The term includes any container which has a closure or fitting, made in whole or in part of tinfoil or terneplate, but does not include a glass container having such a closure or fitting. The term does not include fluid milk shipping containers.

(2) "Tinfoil" means steel sheets coated with tin (including primes and seconds and includes (i) electrolytic tin-

plate in which the tin coating is applied by electrolytic deposition, and (ii) hot dipped tinfoil in which the tin coatings are applied by immersion in molten tin. The term does not include tinfoil waste-waste or terneplate waste.

(3) "Terneplate" means steel sheets coated with terne metal (including primes and seconds). The term does not include terneplate waste-waste or terneplate waste.

(4) "SCMT" means special coated manufacturers' terneplate.

(5) "Waste" means scrap tinfoil and terneplate (including strips and circles) produced in the ordinary course of manufacturing cans and tinfoil and terneplate strips produced in the ordinary course of manufacturing tinfoil and terneplate. The term also includes tinfoil and terneplate parts recovered from used cans.

(6) "Waste-waste" means hot dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(7) "Blackplate" means steel sheets (other than tinfoil or terneplate) 29 gauge or lighter. The term includes "blackplate rejects", chemically treated blackplate (CTB), tinfoil waste-waste, terneplate waste-waste, tinfoil waste and terneplate waste.

##### RESTRICTIONS ON CAN MANUFACTURERS

(c) *General restrictions on sale, manufacture and delivery.* No person shall sell, manufacture or deliver any cans which he knows, or has reason to believe, will be accepted or used in violation of any provision of this order.

(d) *Completion and sale of outdated cans.* Whenever can material specifications for a product are changed by an amendment to this order, a can manufacturer must continue to sell, make and deliver cans for that product in accordance with the former specifications and must not make any cans conforming to the new specifications as long as there is available to him, tinfoil, terneplate, or blackplate which was intended for use under the former specifications, and which was in process at the tin mill or in its inventory for his account, or in his own inventory on the date of the change.

##### RESTRICTIONS ON CAN USERS

(e) *General restrictions on use of cans.* No person may use a tinfoil or terneplate can for any purpose other than for packing the products listed in Schedule I in accordance with the size and material limitations set forth in that schedule. The only exceptions to this rule are set forth in paragraph (f).

(f) *Exceptions.*—(1) *Cans permitted before an amendment.* Whenever can sizes or material specifications for a product are changed by an amendment to this order, any person may pack that product in any can which was permitted before the amendment if the can, or the tinfoil, terneplate, or blackplate incorporated in it, was in his inventory, in the inventory of the can manufacturer, or in process or in inventory at a

tin mill for the account of the can manufacturer on the date of the amendment. A packer must accept and use any outdated cans for any product produced under paragraph (d) which the can manufacturer offers to him before using any cans for that product produced under the new specifications.

(2) *Products which are not to be sold.* Cans can be used to pack any product which is not to be sold in the same or different form, but this does not permit the use of cans contrary to the other provisions of the order for the purpose of adding or promoting the sale of a product.

(3) *Other exceptions.* The restrictions of paragraph (e) do not apply to any cans which were manufactured before February 11, 1942, or to any lithographed cans which were manufactured or in process of manufacture before December 27, 1946 for the Army, Navy, Maritime Commission, War Shipping Administration, Commodity Credit Corporation, or UNRRA, under a contract which has since been terminated.

(g) *Appeals.* Appeals from this order shall be filed by addressing a letter in triplicate to the Civilian Production Administration, Washington 25, D. C., Ref: M-81. The letter of appeal need not follow any particular form. It should state informally, but completely, the provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in undue and excessive hardship, and such other statistical and narrative information as may be pertinent.

(h) *Communications.* All communications concerning this order shall, unless otherwise directed be addressed to: Civilian Production Administration, Washington 25, D. C., Ref: M-81.

(i) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 27th day of December 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

##### SCHEDULE I

*Column 1. Listed products.* Listed in this column are the products which may be packed in cans.

*Column 2. Can sizes.* This column indicates the permitted sizes of cans, except that any person may use for packing any listed product a can which is larger than the largest listed size for packing that product. Wherever the can size is specified by weight, the weight referred to shall be net weight of the



contents of the can. Other can sizes are described in the terminology common to the industry such as "cylinder," "picnic," "drawn," "2," "10," "8Z," etc.

Columns 3 and 4. Can materials. These columns specify the materials permitted for the soldered, welded and non-soldered parts of the cans for each of the listed products. Any person may also use for packing a listed product blackplate cans or cans with a tin coating lighter

than that specified for that product. Wherever 0.25 electrolytic tinplate is specified, SCMT may be used. When only a figure is given in Columns 3 or 4, this means that tinplate may be used for the part, and the figure given indicates the maximum weight of tin coating per single base box. Menders arising in the production of 0.50 electrolytic tinplate, which have been hotdipped with a maximum tin coating of 1.25 pounds per base

box, may be used wherever 0.50 or heavier tinplate is specified in these columns. Menders arising in the production of 0.25 electrolytic tinplate which have been converted into SCMT may be used wherever 0.25 or heavier tinplate is specified in this order for non-food cans. When a scored can is used to pack any of the meat products listed in this schedule, 1.25 tinplate may be used for the body of the can.

## CAN MATERIALS

Product	Can sizes	Soldered or welded parts	Non-soldered parts	Product	Can sizes	Soldered or welded parts	Non-soldered parts
(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
<i>Fruit and fruit products</i>				<i>Vegetables and vegetable products—Con.</i>			
1. Apples, including crabapples	10	1.50	0.50	70. Onions	2, 2½, 10	1.25	0.50
2. Apple butter	10	1.50	1.50	71. Peas, green	2, 2 vac., 10	.50	.50
3. Apple juice:				72. Peas and carrots	2, 2½, 10	1.25	.50
a. Enamelled cans	2, 3 cyl., 10	1.50	1.50	73. Pickles	10	1.50	1.50
b. Plain bodies	2, 3 cyl., 10	1.50	.50	74. Pimiento and peppers	4 oz., 2½, 10	1.25	.50
4. Apple sauce, including sauce from crabapples	2, 10	1.50	.50	75. Potatoes, sweet	2½, 3 vac	1.25	.50
5. Apricots	2½, 10	1.50	1.50	76. Potatoes, white	2	1.25	.50
6. Bananas	2, 10	1.25	1.25	77. Pumpkin and squash	2½, 10	1.25	.50
7. Berries	2, 2½, 10	1.50	1.50	78. Rhubarb	2, 2½, 10	1.50	1.50
8. Cherries	2, 2½, 10	1.50	1.50	79. Rice	2	.50	.50
9. Cherry juice	2, 3 cyl., 10	1.50	1.50	80. Rutabagas	2	1.25	.50
10. Citrus concentrates	6Z, 1 picnic, 2, 2½, 10	1.25	1.25	81. Sauerkraut	2½, 10	1.50	1.50
11. Citrus pulp and peel	5 gal	1.25	1.25	82. Sauerkraut juice	2, 3 cyl., 10	1.50	1.50
12. Cranberries	300	1.50	1.50	83. Soups	1 picnic	1.25	.50
13. Currants	2, 10	1.50	1.50	84. Succotash	2, 2½, 10	.50	.50
14. Dehydrated fruits except prunes	2	.50	.50	85. Tomatoes	2, 2½, 10	1.25	1.25
15. Dehydrated prunes	2	1.25	1.25	86. Tomatoes and okra	2, 2½, 10	1.25	1.25
16. Figs	2½, 10	1.50	.50	87. Tomato catsup	2½, 3 cyl., 10	1.25	1.25
17. Fruit cocktail	2½, 10	1.50	.50	88. Tomato juice	2, 3 cyl., 10	1.25	.50
18. Frozen fruits:				89. Tomato juice with other vegetable juices	2, 3 cyl., 10	1.25	1.25
a. Frozen fruits	30 lb	.50	.50	90. Tomato paste	6Z	1.25	1.25
b. Frozen fruits	Any	Fibre	.25	91. Tomato pulp and puree	1 picnic	1.25	1.25
19. Fruits, mixed and for salad	2½, 10	1.50	.50	92. Tomato sauce, including spaghetti sauce	8Z short, 1 picnic	1.25	1.25
20. Grape juice and grape pulp	5 gal	1.50	1.50	93. Turnips	2, 2½, 10	1.25	.50
21. Grapes	2, 2½, 10	1.50	1.50	<i>Fish and shellfish (processed and in hermetically sealed cans)</i>			
22. Grapefruit juice	2, 3 cyl., 10	1.25	1.25	94. Anchovies	Any	.50	.50
23. Grapefruit, orange or mixed segments	2, 3 cyl., 10	1.25	1.25	95. Caviar	Any	.50	.50
24. Jams, jellies, marmalades and preserves	10	1.50	1.50	96. Clams	¼ flat, 211 x 304, 1 picnic	.50	.50
25. Lemon juice	6Z, 8Z tall, 2, 10	1.25	1.25	97. Codfish cakes	10 oz	.50	.50
26. Lime juice	6Z, 8Z tall, 2, 10	1.25	1.25	98. Crabmeat	¼ flat, 1 picnic	.50	.50
27. Nectars	2, 3 cyl., 10	1.50	.50	99. Crawfish	1 picnic	.50	.50
28. Olives:				100. Eels	300	.50	.50
a. Whole	1 tall, 2½, 10	1.50	1.50	101. Finnan haddie	300	.50	.50
b. Chopped	211 x 200	1.50	1.50	102. Fish flakes	300, 2	.50	.50
29. Orange juice	2, 3 cyl., 10	1.25	1.25	103. Fish, ground	300	.50	.50
30. Orange-grapefruit juice	2, 3 cyl., 10	1.25	1.25	104. Fish livers and fish liver oils	5 gal	1.25	1.25
31. Papayas and juice	2, 3 cyl., 10	1.25	1.25	105. Fish roe	300, ¼ oval	.50	.50
32. Peaches	2½, 10	1.50	.50	106. Herring, Atlantic Sea including sardines	¼ drawn, ¼ drawn, ¼ three piece, 300	.50	.50
33. Pears	2½, 10	1.50	.50	Round cans		.50	.50
34. Pectin	5 gal	1.50	1.50	Oblong cans		1.25	.50
35. Pineapple	1 flat, 2, 2½, 3 cyl., 10	1.25	1.25	Oval cans	(¾ body)	1.25	1.25
36. Pineapple juice	2, 3 cyl., 10	1.25	1.25	107. Herring, Pacific Sea	1 tall	.50	.50
37. Plums	2½, 10	1.50	1.50	108. Herring, river, including alewives	300, 2	.50	.50
38. Prunes, dried in syrup	2	1.50	1.50	109. Lobster	1 picnic	.50	.50
39. Prunes, fresh	2½, 10	1.50	1.50	110. Mackerel	300	.50	.50
40. Prune juice	2, 3 cyl., 10	1.50	1.50	111. Menhaden	300	.50	.50
41. Quinces	2, 10	1.50	1.50	112. Mullet	300	.50	.50
<i>Vegetables and vegetable products</i>				113. Mussels	1 picnic, 2, 10	.50	.50
42. Artichokes	2, 2½, 10	1.25	.50	114. Oysters	1 picnic, 1 tall, 2	.50	.50
43. Asparagus	2, 2½, 10	1.25	1.25	115. Pilchards, including sardines	8Z, ¼ oblong, 300, 1 oval (body)	.50	.50
44. Beans, dried:				Round cans		.50	.50
a. with tomato sauce	300	1.25	.50	Oblong cans		1.50	1.25
b. without tomato sauce	300	.50	.50	Oval cans		1.25	1.25
45. Beans, green or wax	2, 2½, 10	1.25	.50	116. Salmon	¼ flat, 1 flat, 1 tall	1.25	.50
46. Beans, fresh shelled	2, 2½, 10	.50	.50	117. Shad	300	.50	.50
47. Beans and bamboo sprouts	2, 2½, 10	1.25	.50	118. Shrimp	1 picnic, 5 (502 x 410)	.50	.50
48. Beets	2, 2½, 10	1.25	1.25	119. Shrimp, fresh cooked Alaska refrigerated	1 picnic	1.25	.50
49. Broccoli	2, 2½, 10	1.25	.50	120. Squid	300	.50	.50
50. Brussels sprouts	2, 2½, 10	1.25	.50	121. Tuna	¼ tuna, 1 tuna, 4 lb. tuna	.50	.50
51. Carrots	2, 2½, 10	1.25	.50	122. Turtle	300	.50	.50
52. Carrot juice	2, 3 cyl., 10	1.25	.50	<i>Dairy products</i>			
53. Cabbage	2, 2½, 10	1.25	.50	123. Butter and margarine	1 lb	.50	.50
54. Cauliflower	2, 2½, 10	1.25	.50	124. Cheese	Any	.50	.50
55. Celery	2, 2½, 10	1.25	.50	125. Cream, frozen	50 lbs	1.25	1.25
56. Celery juice	2, 3 cyl., 10	1.25	.50	126. Ice cream and ice cream mix (wet)	1 qt	.50	.50
57. Chard	2, 2½, 10	1.25	.50	127. Liquid modifications of milk	6 oz	.75	.75
58. Chili sauce	2, 2½, 10	1.25	.50	128. Milk, condensed	14 oz	.75	.75
59. Chow-chow	2, 2½, 10	1.50	1.50	129. Milk, evaporated	6 oz	1.25	1.25
60. Corn	2, 2 vac., 10	.50	.50	130. Milk, goat	14½ oz	1.25	1.25
61. Corn on cob	307 x 508	.50	.50	131. Milk (skimmed) dry or powdered	50 lb	.50	.50
62. Dehydrated vegetables	Any	.50	.50	132. Milk (whole) dry or powdered	1 lb., 2½ lb., 5 lb., 25 lb., 50 lb.	.50	(1)
63a. Frozen vegetables	30 lbs	.50	.50				
63b. Frozen vegetables	Any	Fibre	.25				
64. Green leafy vegetables	2, 2½, 10	1.25	.50				
65. Hominy	2, 2½, 10	.50	.50				
66. Lentils	300	.50	.50				
67. Mixed vegetables, fresh	2, 2 vac., 2½, 10	1.25	.50				
68. Mushrooms	2Z, 4Z, 8Z	1.25	.50				
69. Okra	2, 2½, 10	1.25	.50				

<sup>1</sup> Blackplate.



## CAN MATERIALS—continued

Product	Can sizes	Soldered or welded parts	Non-soldered parts	Product	Can sizes	Soldered or welded parts	Non-soldered parts
(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
<i>Meat and meat products (processed and in hermetically sealed cans)</i>				<i>Non-food products—Continued</i>			
133. Meat products as follows:				171. Antifreeze	Any	0.25	0.25
a. Bacon	24 oz. 14 lb.	0.50 1.25	0.50 1.25	172. Aniline	Any	1.25	1.25
b. Beef, veal and mutton or pork (corned, roast or boiled):				173. Auto supplies, only as follows:			
Cans with all seams soldered	Any	1.25	1.25	a. Radiator antirust compounds, liquid	Any	.50	.50
Cans with only side seams soldered	Any	.50	.50	b. Carbon removers	Any	.25	( <sup>1</sup> )
c. Brains	10½ oz.	.50	.50	c. Radiator stop-leak	Any	.50	.50
d. Chili con carne	16 oz.	.50	.50	174. Bee feeder, cans for use in shipping bees	Any	.50	( <sup>1</sup> )
e. Corned beef hash	16 oz.	.50	.50	175. Benzol, toluene, naphtha, xylene	Any	.25	.25
f. Hamburger with or without onions	12 oz.	.50	.50	176. Blood plasma	Any	.50	.25
g. Hams, whole	Any	1.25	1.25	177. Boiler sealing compound	Any	.25	.25
h. Ham and eggs	Any	.50	.50	178. Buffing compounds	Any	.25	( <sup>1</sup> )
i. Luncheon meats	12 oz.	.50	.50	179. Carbon disulfide	Any	.25	.25
j. Meat and gravy including goulash	12 oz.	.50	.50	180. Caulking compound	Any	.25	( <sup>1</sup> )
k. Meat loaf	7 oz.	.50	.50	181. Cements, only as follows:			
l. Meat spreads	Any	.50	.50	a. Neoprene base rubber cement	Any	1.25	1.25
m. Pickled pigs feet	2 oz.	1.50	1.50	b. Other synthetic rubbers, natural rubber, linoleum, solvent base	Any	.25	.25
n. Pork and soya links	16 oz.	.50	.50	c. Furnace cement	Any	.25	( <sup>1</sup> )
o. Potted meats	3¼ oz.	.50	.50	182. Chemicals, dry, only as follows:			
p. Sausage, bulk	24 oz.	.50	.50	a. Phenols	Any	1.50	1.50
q. Sausage in casings	4 oz., 8 oz., 9 oz., 12 oz., 16 oz., 24 oz., 5, 10.	.50	.50	b. Ammonium salts	Any	1.25	1.25
1. Vienna sausage		.50	.50	c. Cyanide salts	Any	.25	( <sup>1</sup> )
2. Frankfurters, pork sausage		.50	.50	d. Hypochlorite powders	Any	.25	.25
3. Sausage in oil, hard or rendered pork fat		.50	.50	183. Chemicals, liquid, only as follows:			
r. Scrapple	300.	.50	.50	a. Alcohols, aldehyde and halogenated hydrocarbons	Any	.50	.50
s. Stews	16 oz.	.50	.50	b. Chloropicrin	Any	.50	.50
t. Tamales	300.	.50	.50	c. Bromoacetone	Any	.50	.50
u. Tongue	6 oz.	.50	.50	d. Monochloroacetone	Any	.50	.50
v. Tripe	24 oz.	1.25	1.25	e. Acrolein	Any	.50	.50
				f. Sodium silicate	Any	.50	.50
<i>Poultry and poultry products (processed and in hermetically sealed cans)</i>				184. Cleaners, only as follows:			
134. Chicken and veal with noodles	300.	.50	.50	a. Wallpaper	Any	.50	.50
135. Chicken or turkey a la king	300.	.50	.50	b. Window spray	Any	.50	.50
136. Enchiladas	300.	.50	.50	c. Radiator liquid	Any	.50	.50
137. Turkey or chicken	3½ oz.	.50	.50	185. Chloroform and ether	Any	1.25	1.25
138. Poultry spread	3 oz.	.50	.50	186. Creosote and wood preservatives	Any	.50	( <sup>1</sup> )
				187. Deodorizers	Any	1.25	1.25
<i>Miscellaneous food products</i>				188. Disinfectants and germicides	Any	.25	.25
139. Animal foods	300.	.25	.25	189. Dyes	Any	.50	.50
140. Baby foods:				190. Film boxes	Any	.25	.25
a. Chopped and pureed	202BF (202 x 214)	1.50	1.50	191. Fire extinguisher fluid or powder	Any	.25	( <sup>1</sup> )
b. Chopped and pureed meats	202 x 202	1.25	1.50	192. Furnace cement	Any	.25	( <sup>1</sup> )
c. Liquid milk formula	14¼ oz.	1.25	1.25	193. Gasket assembling compounds	Any	.25	( <sup>1</sup> )
d. Soybean milk, liquid	300.	1.25	.50	194. Glues and adhesives	Any	1.25	1.25
e. Dry or powdered milk formula	1 lb.	.50	( <sup>1</sup> )	195. Glycerine	Any	1.50	1.50
141. Bakery products containing more than 12% moisture	Any	.50	.50	196. Grain fumigant, liquid	Any	.50	.50
142. Beer	12 oz.	.50	.50	197. Graphite with liquid content	Any	.25	( <sup>1</sup> )
143. Cereal	1 lb.	.50	.50	198. Hydraulic brake fluid	Any	.25	.25
144. Chop suey	2.	1.25	.50	199. Ink, spirit aniline and rotogravure	Any	.50	.50
145. Chow mein	2.	1.25	.50	200. Ink, printing, duplicating and lithographing	Any	.25	( <sup>1</sup> )
146. Coconut, shredded	1 picnic	.50	.50	201. Insecticides and fungicides (liquid)	Any	.25	.25
147. Coffee	1 lb.	.25	( <sup>1</sup> )	202. Lubricating oils including motor oil	Any	.25	( <sup>1</sup> )
148. Eggs, frozen	30 lb.	.50	.50	203. Machine ribbons	Any	.25	.25
149. Extracts and flavorings, liquid	Any	1.25	1.25	204. Nicotine sulphate	Any	1.50	1.50
150. Honey	2½	1.25	1.25	205. Oils, essential: distilled or cold pressed	Any	1.25	1.25
151. Lima bean loaf	300.	.50	.50	206. Oils, transformer	Any	.50	.50
152. Lobster Newburg	300.	.50	.50	207. Ointments and salves	Any	.25	.25
153. Macaroni with cheese or tomato sauce	300.	1.25	.50	208. Paints:			
154. Mayonnaise	10.	1.50	1.50	a. Aluminum paint	Any	.50	.50
155. Nut meats	4 oz.	.25	( <sup>1</sup> )	b. Copper bottom or anti-fouling	Any	1.25	1.25
156. Oils, liquid edible	5 gal. 1 pt., 1 qt., 1 gal.	1.25 .50	1.25 .50	c. Lacquer and lacquer thinner	Any	.50	.50
157. Pastes and condiments	Any	1.25	.50	d. Paste water paints, including resin emulsion	Any	.50	.50
158. Peanut butter and other nut butters	12 oz.	.50	( <sup>1</sup> )	e. Pigmented oil paints	Any	.50	.50
159. Ravioli	300.	1.25	.50	f. Varnishes, oil stain, shingle stain	Any	.50	.50
160. Shortening, vegetable and animal	1 lb.	.25	( <sup>1</sup> )	209. Plastic wood	Any	1.25	1.25
161. Soda fountain fruit and other acid syrups	10.	1.25	1.25	210. Phosphorus	Any	1.25	1.25
162. Spaghetti in sauce	300.	1.25	.50	211. Polishes and waxes:			
163. Special dietary foods	2, 2½, 10.	.50	( <sup>1</sup> )	a. Solvent base	Any	.25	( <sup>1</sup> )
164. Syrups, sweet:				b. Water base	Any	.50	.50
All seams soldered	1½	1.25	1.25	212. Potassium Permanganate, Reagent grade	Any	.50	.50
Only side seams soldered	1½	.50	.50	213. Putty	Any	.25	( <sup>1</sup> )
165. Syrup, chocolate	1 lb.	.50	.50	214. Roof cement	Any	.25	( <sup>1</sup> )
166. Syrup, malt	404 x 504	.50	.50	215. Rust preventative	Any	.25	( <sup>1</sup> )
167. Yeast	Any	.50	.50	216. Saccharin	Any	.50	.50
167a. Any other food products for U. S. Army export or U. S. Navy offshore use only	Any	Any	Any	217. Shellac	Any	( <sup>1</sup> )	( <sup>1</sup> )
168. All other food products:				218. Soap:			
a. Containing 12% or more moisture	Any	.25	.25	a. Liquid	Any	1.25	1.25
b. Containing less than 12% moisture	Any	.25	( <sup>1</sup> )	b. Paste	Any	.25	.25
<i>Non-food products</i>				219. Sodium and potassium metals	Any	.50	.50
169. Abrasives and valve grinding compounds	Any	.50	( <sup>1</sup> )	220. Sodium peroxide	Any	.50	.50
170. Alcohol, pharmaceutical and chemically pure	Any	1.25	1.25	221. Soldering paste, flux	Any	.25	.25
				222. Stamp pads	Any	.50	.50
				223. Turpentine	Any	.50	.50
				224. Varnish and paint removers	Any	.50	.50
				225. Welding fluxes	Any	.25	( <sup>1</sup> )
				226. Worm killer, sheep and cattle dip, sheep and horse drench, roost paint, poultry remedies and other liquid disinfectants:			
				a. For external use	Any	.25	.25
				b. For internal use	Any	1.25	1.25
				227. Any nonfood product for U. S. Army or U. S. Navy use only	Any	Any	Any
				228. Any other nonfood products	Any	.25	( <sup>1</sup> )

<sup>1</sup> Blackplate.<sup>2</sup> 8-pound terneplate.



## PART 3293—CHEMICALS

[Limitation Order L-354, Revocation]

## LEAD CHEMICALS

Section 3293.657 *Limitation Order L-354* is hereby revoked. This revocation does not affect any liabilities incurred for the violation of this order or of any actions taken by the Civilian Production Administration under it.

Issued this 27th day of December, 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-22030; Filed, Dec. 27, 1946;  
11:31 a. m.]

## PART 3293—CHEMICALS

[Limitation Order L-355, Revocation]

## ETHYL FLUID

Section 3293.662 *Limitation Order L-355* is hereby revoked. This revocation does not affect any liabilities incurred for the violation of this order or of any actions taken by the Civilian Production Administration under it.

Issued this 27th day of December 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-22029; Filed, Dec. 27, 1946;  
11:31 a. m.]

## PART 984—LEAD

[General Preference Order M-38, Revocation]

Section 984.1 *General Preference Order M-38* is hereby revoked. This action does not affect any liabilities incurred for violation of the Order or of actions taken by the War Production Board or the Civilian Production Administration under the Order. Inventories of lead remain subject to the provisions of Priorities Regulation 32. Lead producers, dealers, and consumers must still file such reports as may be required by the Civilian Production Administration in accordance with Priorities Regulation 8.

Issued this 27th day of December 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-22033; Filed, Dec. 27, 1946;  
11:32 a. m.]

## PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, as Amended July 24, 1946, Amdt. 1]

Section 944.23 *Priorities Regulation 3* is hereby amended in the following respects:

List A attached to the regulation is amended by inserting the item "Lead"

following the item "Gas, Natural" and ahead of the item "Petroleum".

Issued this 27th day of December 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-22032; Filed, Dec. 27, 1946;  
11:31 a. m.]

## PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-356, as amended Dec. 27, 1946]

## EXPORT OF FARM WHEEL TYPE AND TRACK-LAYING TRACTORS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of farm type wheel and track-laying tractors for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1029.40 *Limitation Order L-356—*  
(a) *Definitions.* For the purpose of this order:

(1) "Farm Type Wheel Tractor" means the following farm tractors, wheel type by rated belt H. P.; Special purpose, under 30 H. P.; special purpose, 30 H. P. and over; all purpose, under 30 H. P.; all purpose, 30 H. P. and over.

(2) "Track Laying Tractor" means crawler type tractors of the following classes by Draw Bar Horsepower: Class I, 85 DBHP and over; Class II, 65-84 DBHP; Class III, 50-64 DBHP; Class IV, 35-49 DBHP; Class V, 25-34 DBHP; Class VI, 24 DBHP and under.

(b) *Limitation on production and shipment for export.* No producer of farm type wheel or track-laying tractors shall produce or ship for export, to any foreign country except Canada, any such tractors in excess of the quantities authorized for such purpose by the Civilian Production Administration. Exports of tractors to any country other than Canada are also subject to any export license requirements of the Office of International Trade, Department of Commerce. Civilian Production Administration will issue individual directives to producers establishing quotas and scheduling the shipment of certain tractors needed for essential export programs.

(c) *Export quotas for new exporters and adjustments of quotas.* Producers of farm type wheel and track-laying tractors who have not previously exported such tractors and producers who desire adjustment in their export quotas may apply to the Equipment Division, Civilian Production Administration, Washington 25, D. C.

(d) *Expiration date.* This order expires March 31, 1947, unless sooner revoked or amended.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any depart-

ment or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

(f) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: Equipment Division, Civilian Production Administration, Washington 25, D. C., Ref.: Order L-356.

Issued this 27th day of December 1946.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 46-22027; Filed, Dec. 27, 1946;  
11:31 a. m.]

## Chapter XVIII—Office of Temporary Controls, Office of War Mobilization and Reconversion (Stabilization)

[Directive 142]

## PART 4003—SUBSIDIES: SUPPORT PRICES

## STRIPPER OIL WELL SUBSIDY PAYMENTS

Directive 133 (11 F. R. 9571), issued by the Office of Economic Stabilization on August 28, 1946, provided that further reductions in the premium rate per barrel for crude oil produced from any pool listed in Schedule A of Stripper Well Compensatory Adjustments Regulation No. 7 of Reconstruction Finance Corporation (10 F. R. 6773, 9718, 12451, 14674, 15350, 11 F. R. 2451, 2520, 5745, 9079, 9857, 11773, 13526) might be made at the direction of this Office upon thirty days' notice or in the event it were determined that there had been an additional general price increase by the petroleum industry.

On the basis of the information presently before me I find that there has been a general increase in the price of crude oil of from 10 to 20 cents per barrel. The sum of this increase and the 25 cent per barrel increase which became effective in the latter part of July is equal to or in excess of the maximum subsidy rates in effect, during the period of price control, produced from stripper wells other than those producing Pennsylvania Grade crude oil.

Accordingly, it is hereby ordered:

§ 4003.81 *Stripper oil well subsidy payments—*(a) Reconstruction Finance Corporation is directed to discontinue premium payments pursuant to its Stripper Well Compensatory Adjustments Regulation No. 7, effective as of December 1, 1946, except as to Pennsylvania Grade crude oil.

(b) Reconstruction Finance Corporation is directed to continue to make premium payments with respect to Pennsylvania Grade crude oil pursuant to said Regulation No. 7 after amending said regulation, effective as of December 1, 1946, to: reduce the per barrel rate of premium payable by the larger of 35 cents, or the amount by which the applicant's highest posted purchase price in effect on or after December 1, 1946, for the crude oil involved exceeds the OPA maximum price (exclusive of premium)



applicable to such crude oil as of June 30, 1946.

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; Pub. Law 548, 79th Cong.; 15 U. S. C. 713a-8, 713a-8 note, 50 U. S. C. App. Sup. 901-903, 921-925, 961-971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871, E. O. 9328, April 8, 1943, 8 F. R. 4681, E. O. 9599, Aug. 18, 1945, 10 F. R. 10155, E. O. 9651, Oct. 30, 1945, 10 F. R. 13487, E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929, E. O. 9762, July 25, 1946, 11 F. R. 8073, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 20th day of December 1946.

PHILIP B. FLEMING,  
Temporary Controls Administrator.

[F. R. Doc. 46-21973; Filed, Dec. 27, 1946;  
8:46 a. m.]

[Rev. Directive 143]

PART 4003—SUBSIDIES: SUPPORT PRICES  
PURCHASE AND PRICE SUPPORT PROGRAMS  
FOR DOMESTIC OFFSHORE RAW CANE SUGAR

The Secretary of Agriculture, by letter dated October 18, 1946, submitted certain information and recommended proposed purchase and price support programs for domestic offshore raw cane sugar. By letter dated November 21, 1946, the Secretary of Agriculture has submitted certain additional information and recommended certain changes in the programs previously contemplated.

After consideration of the letters of the Secretary of Agriculture and the information which accompanied them, I find that the changes recommended in the letter of November 21, 1946, are necessary to the effectiveness of the proposed programs. Accordingly, Directive No. 143, issued on November 6, 1946, is revised to read as follows:

§ 4003.42 *Purchase and price support programs for domestic offshore raw cane sugar.* (a) The Secretary of Agriculture has, by letters and enclosures, dated October 18, 1946, and November 21, 1946, submitted certain information and recommended proposed programs as follows:

(1) Purchase of 1947-crop Puerto Rican and Virgin Islands raw cane sugar at 3.675 cents per pound, f. a. s. Puerto Rican ports and f. o. b. Virgin Islands ports, plus an estimated .80 cent per pound based upon an increase in food price indices published by the Bureau of Labor Statistics, U. S. Department of Labor, plus a differential historically applied to Puerto Rico and the Virgin Islands of approximately .81 cent per pound. Establishment of the final base price will depend upon the food price indices for the last six months of the calendar year 1946 or increases in the New York ceiling or market price. Initial prices established under these programs for all three areas for 1947 may be subject to increases in 1947 if increases occur in the food index or the consumer price index issued by the Bureau of Labor Statistics, U. S. Department of Labor, or in sugar ceiling or

market prices. Such increases will be paid with respect to the entire production of 1947-crop sugar in these areas, including 1947-crop sugar consumed locally.

(2) Payment of support prices to Hawaiian producers of 1947-crop raw cane sugar to effect a return for such producers substantially the same as that for Puerto Rican and Virgin Islands producers.

(3) Adjustment of purchase price of 1946-crop Puerto Rican and Virgin Islands raw cane sugar and adjustment of price support payment on 1946-crop Hawaiian raw cane sugar of approximately .80 cent per pound on one-half of the total production of the 1946 crop from these areas minus certain transportation adjustments.

(4) Authorization for increased expenditures under Hawaiian transportation cost program due to increased freight rates.

(b) The 1947-crop programs contemplate the sale at the U. S. ceiling price of the Puerto Rican and Virgin Islands sugar by Commodity Credit Corporation and of the Hawaiian sugar by the Hawaiian producers. In addition to the amount of the Hawaiian price support payment and ocean freight on the Hawaiian sugar, Commodity Credit Corporation will absorb certain freight, insurance and handling charges on the Puerto Rican and Virgin Islands sugar as well as any losses in the sale of the Puerto Rican and Virgin Islands sugar. The proposed programs will result in a prospective loss to Commodity Credit Corporation of \$23,100,000.

(c) I hereby find that the proposed programs are necessary to effectuate the policy established by Executive Orders 9250 and 9328 and specifically to insure price stability and the maximum necessary distribution of sugar to meet military and civilian requirements.

(d) Accordingly, the Department of Agriculture is hereby authorized and directed to carry out through the Commodity Credit Corporation the programs as described in the Secretary of Agriculture's letter and the memorandum enclosed therewith.

(e) This directive is in addition to, and not in substitution of, the directives of July 30, 1945 (10 F. R. 9629), July 31, 1945 (10 F. R. 9628), March 15, 1946 (11 F. R. 2834), and May 2, 1946 (11 F. R. 5024) with respect to the 1946-crop features of the proposed programs.

(56 Stat. 765; 58 Stat. 632, 642, 784; 59 Stat. 306; Pub. Law 548, 79th Cong.; 15 U. S. C. 713a-8, 713a-8 note, 50 U. S. C. App. Sup. 901-903, 921-925, 961-971; E. O. 9250, Oct. 3, 1942, 7 F. R. 7871, E. O. 9328, April 8, 1943, 8 F. R. 4681, E. O. 9599, Aug. 18, 1945, 10 F. R. 10155, E. O. 9651, Oct. 30, 1945, 10 F. R. 13487, E. O. 9697, Feb. 14, 1946, 11 F. R. 1691, E. O. 9699, Feb. 21, 1946, 11 F. R. 1929, E. O. 9762, July 25, 1946, 11 F. R. 8073, E. O. 9809, Dec. 12, 1946, 11 F. R. 14281)

Issued and effective this 20th day of December 1946.

PHILIP B. FLEMING,  
Temporary Controls Administrator.

[F. R. Doc. 46-21974; Filed, Dec. 27, 1946;  
8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management,  
Department of the Interior

Appendix—Public Land Orders

[Public Land Order 333]

COLORADO

REVOKING PUBLIC LAND ORDER 152 OF JULY  
28, 1943, WITHDRAWING PUBLIC LANDS FOR  
USE OF WAR DEPARTMENT

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 152 of July 28, 1943, withdrawing the following-described public lands for the use of the War Department for airport purposes is hereby revoked:

Sixth Principal Meridian

T. 9 S., R. 80 W.,  
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
The area described aggregates 240 acres.

The lands hereby released are subject to existing withdrawals for reservoir and power site purposes.

J. A. KRUG,  
Secretary of the Interior.

DECEMBER 17, 1946.

[F. R. Doc. 46-21976; Filed, Dec. 27, 1946;  
8:45 a. m.]

TITLE 49—TRANSPORTATION AND  
RAILROADS

Chapter I—Interstate Commerce  
Commission

[S. O. No. 661]

PART 95—CAR SERVICE

RESTRICTION OF EXPORT FOOD FROM PACIFIC  
NORTHWEST

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of December A. D. 1946.

It appearing, that certain foods are being transported by rail carriers from Pacific Northwest origins to Atlantic and Gulf ports for export when such shipments can be exported from West Coast ports, thereby wasting transportation and contributing to the shortage of equipment; the Commission is of opinion an emergency requiring immediate action exists in the States of Oregon, Washington, Idaho, and Western Montana; it is ordered, that:

§ 95.661 *Export food from Pacific Northwest restricted*—(a) Permit required to transport certain foodstuffs. No common carrier by railroad, subject to the Interstate Commerce Act, serving any point in the States of Oregon, Washington or Idaho (except points on the Union Pacific Railroad Company east of Huntington, Oreg., and except points on the Utah Central Railroad Corporation in Idaho) or Paradise or Troy, Montana, or west thereof, shall supply, or place a railroad freight car for loading canned goods, seeds, peas, beans, flour, grain, grain by-products or grain products con-



signed to Atlantic or Gulf ports for export without first obtaining a permit from the permit agent authorizing the furnishing and transportation of such car.

(b) *Diversions or reconsignments prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall execute, or allow or permit to be executed, any order of reconsignment or diversion, or permit rebilling or reshipping of any commodity named in, and originating at, any origin point specified in paragraph (a) of this section to any Atlantic or Gulf port for export without first obtaining a permit from the permit agent appointed herein authorizing such diversion, reconsignment, rebilling or reshipment.

(c) *Application.* The provisions of this section shall apply to foreign commerce as well as interstate commerce.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the permit agent named in paragraph (e) of this section.

(e) *Appointment of agent.* A. R. Molison, Service Agent, Room 531, Post Office Bldg., Portland, Oreg., is hereby designated and appointed Permit Agent for the purpose of accepting applications and issuing permits required by this order subject to instructions of the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C.

(f) *Effective date.* This order shall become effective at 12:01 a. m., December 23, 1946.

(g) *Expiration date.* This order shall expire at 11:59 p. m., February 10, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the Railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, 484, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 46-21968; Filed, Dec. 27, 1946;  
8:45 a. m.]

## Notices

### DEPARTMENT OF JUSTICE.

#### Office of Alien Property.

[Vesting Order 1253, Amdt.]

LINA WEBER

In re: Interest in a second mortgage on real property in New Rochelle, New York and a claim, owned by Lina Weber.

Vesting Order 1253, dated April 20, 1943, is hereby amended as follows and not otherwise:

By deleting subparagraph 3 in its entirety and substituting therefor the following:

3. Finding that the property described as follows:

a. An interest in the amount of \$2,125 in and to a second mortgage executed on June 16, 1928, by Fannie Graff to Hugo Meyer and Sophie Meyer, and recorded in the Office of the County of Westchester, New York, on June 2, 1928, in Liber 2820 of Mortgages, Page 402, an assignment of such interest being recorded in the Office of the Register for the County of Westchester, New York, on September 19, 1938, in Liber 3882 of Mortgages, Page 284, and any and all obligations secured by said interest in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations, and

b. That certain debt or obligation owing to Lina Weber by Sophie Meyer, 525 88th Street, Brooklyn, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

All other provisions of said Vesting Order 1253 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942; 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 19, 1946.

For the Attorney General.

DONALD C. COOK,  
Director.

[F. R. Doc. 46-21905; Filed, Dec. 24, 1946;  
8:50 a. m.]

[Vesting Order 7917]

MARY ARPTEN DAMBACH

In re: Stock and bonds owned by Mary Arpten Dambach, also known as Mary Arfsten Dambach and as Mary Dambach.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Arpten Dambach, also known as Mary Arfsten Dambach and as

Mary Dambach, whose last known address is Bad Dürkheim, Rheinpfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ninety (90) shares of \$50.00 par value common capital stock of Lock Moore Co., Ltd., Lake Charles, Louisiana, a corporation organized under the laws of the State of Louisiana, evidenced by certificate number 97 for 55 shares and certificate number 90 for 35 shares, registered in the name of Mrs. Mary Dambach by G. W. Law, Agent, and presently in the custody of George William Law, Apartment 806, Pontchartrain Hotel, New Orleans, Louisiana, together with all declared and unpaid dividends thereon, and that certain royalty deed, registered in Calcasieu Parish Register Number 238144 and in Jeff Davis Parish Register Number 115941, together with any and all rights thereunder and thereto,

b. Thirty-five and one-half (35½) shares of \$100.00 par value common capital stock of Edgewood Land & Logging Co., Ltd., Lake Charles, Louisiana, a corporation organized under the laws of the State of Louisiana, evidenced by certificate number 82 for 15 shares and certificate number 89 for 20½ shares, registered in the name of Mrs. Mary Dambach by G. W. Law, Agent, and presently in the custody of George William Law, Apartment 806, Pontchartrain Hotel, New Orleans, Louisiana, together with all declared and unpaid dividends thereon, and that certain royalty deed, registered in Calcasieu Parish Register Number 238140 and in Beauregard Parish Register Number 56871, together with any and all rights thereunder and thereto,

c. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Mary Dambach, and presently in the custody of George William Law, Apartment 806, Pontchartrain Hotel, New Orleans, Louisiana, together with all declared and unpaid dividends thereon, and

d. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of George William Law, Apartment 806, Pontchartrain Hotel, New Orleans, Louisiana, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate con-



sultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839, Pub. Law 322, 79th Cong.; 60 Stat. 50, Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R.

5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 16, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director.

## EXHIBIT A

Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate No.	Name and address of issuing corporation	State of incorporation	Par value	Type of stock	Number of shares	Certificate No.
Central Electric & Gas Co., Sioux Falls Gas Bldg., Sioux Falls, S. Dak.	Delaware...	\$1	Common...	100	C. C. 3067.	Paramount Pictures, Inc., 1501 Broadway, New York, N. Y.	New York...	\$1	Common...	3	T. O. 21315.
Do.....	do.....	1	do.....	6	C. C. 8365.	Murray Brooks Hardware Co., Ltd., Lake Charles, La.	Louisiana...	100	do.....	10	160.
Do.....	do.....	1	do.....	5	C. C. 5610.	Do.....	do.....	100	do.....	10	162.
Do.....	do.....	50	Preferred...	18	C. P. O. 3226.	Do.....	do.....	100	do.....	10	294.
Central West Co., Sioux Falls Gas Bldg., Sioux Falls, S. Dak.	do.....	1	Common...	30	C. C. 1484.	Do.....	do.....	100	do.....	5	235.
American Business Shares, Inc., 1 Exchange Pl., Jersey City, N. J.	do.....	1	do.....	380	73452.	Fox St. Louis Properties, Inc., St. Louis, Mo.	Missouri...	No par	do.....	30	283.
Calcasieu Bldg. & Loan Co., Lake Charles, La.	Louisiana...	100	do.....	5	5276.	Do.....	do.....	No par	Preferred...	30	C. 286.
Do.....	do.....	100	do.....	5	3435.	Bethlehem Steel Corp., 100 West 10th St., Wilmington, Del.	Delaware...	100	do.....	20	S. 25191.
Paramount Pictures, Inc., 1501 Broadway, New York, N. Y.	New York...	1	do.....	100	T. 32085.	General Public Utilities Corp., 61 Broadway, New York 6, N. Y.	New York...	5	Common...	100	C. 60122.
Do.....	do.....	1	do.....	100	T. 32086.	Do.....	do.....	5	do.....	78	F. 53291.

## EXHIBIT B

Number of bonds and description of issue	Face value	Numbers	Number of bonds and description of issue	Face value	Numbers
Two (2) 5% Missouri-Kansas-Texas R. R. Co. bonds.	\$1,000	M. 7707, M. 7708.	Five (5) 2½% United States of America bonds....	\$1,000	212958J, 212959K, 212960L, 212961K, 24149.
One (1) 5% Philadelphia Reading Coal & Iron Co. bond.	1,000	M. 16591.	One (1) 2½% United States of America bond.....	1,000	212914D.
Three (3) 6% Chicago, North Shore & Milwaukee R. R. Co. bonds, series A.	1,000	M. 4563, M. 4564, M. 4565.	Two (2) 2½% United States of America bonds.....	500	152629K, 152639L.
Four (4) 5½% Missouri Pacific R. R. Co. Bonds...	1,000	T. 316, T. 317, T. 346, T. 347.	Three (3) 2½% United States of America bonds.....	1,000	40660L, 40661A.
Three (3) 3¼% Calcasieu Parish Road District No. 1 bonds.	1,000	38, 43, 47.	Two (2) 2½% United States of America bonds.....	1,000	41519K, 41520L, 41521A.
One (1) 2½% East Baton Rouge Sewerage District No. 6 bond.	1,000	179.	Three (3) 2½% United States of America bonds.....	1,000	37317H, 37318J.
One (1) 3% St. Francisville Sewerage District No. 1 bond.	500	23.	Two (2) 2½% United States of America bonds.....	1,000	43005E, 11461A, 892223.
One (1) 2% Terrebonne Parish, La., bond.....	1,000	832.	Two (2) 6½% United States of Brazil External Sinking Fund bonds.	500	M45590, M45591.
One (1) 3½% Louisiana Highway bond, series T...	1,000	2858.	Two (2) 6½% United States of Brazil External Sinking Fund bonds.	500	D4254, D4255.
One (1) 5% Louisiana Highway bond, series A.....	1,000	9600.	Two (2) 7% United States of Brazil Central Elec- trification bonds.	1,000	M-23375, M-23376.
One (1) 5% Louisiana Highway bond, series F.....	1,000	13490.	One (1) 5% United States of Brazil bond.....	1,000	M-14563.
Two (2) 2½% United States of America bonds.....	10,000	24148J, 24149K.	One (1) 5% United States of Brazil fractional cer- tificate.	500	E-9273.
			One (1) 6% Republic of Chile External Sinking Fund bond.	1,000	M. 26154.

[F. R. Doc. 46-21903; Filed, Dec. 24, 1946; 8:50 a. m.]

[Vesting Order 7929]

THEODORE KOESTER

In re: Trust created under the will of Theodore Koester, deceased. File D-28-2039; E. T. sec. 2388.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Stegemann (Stegeman), Klemens Stegemann (Clemens Stegeman), Klara S. Friehling (Clara Stegeman Friehling), Sophia Horstman Sommer, Alwine Sunderman, Josef Jasper, Bernhard Jasper, Gertrude Teltenkötter, Maria Blickbernd, Auguste Jasper, Franz Jasper, Antonia H. Ahlers (Antonia Horstman Rensman Ahlers) and Hubert Stegemann (Stegeman), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatso-

ever of the persons named in subparagraph 1 hereof in and to the trust created under the will of Theodore Koester, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the First National Bank of Peoria, as Trustee, acting under the judicial supervision of the Circuit Court of Peoria County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 19, 1946.

For the Attorney General.

[SEAL]

DONALD C. COOK,  
Director.

[F. R. Doc. 46-21904; Filed, Dec. 24, 1946; 8:50 a. m.]



[Vesting Order 7926]

MARGARETE SEMMLER

In re: Stocks owned by and debts owing to Margarete Semmler, also known as Margaret Semmler, F-28-138-D-1, F-28-138-D-2, F-28-138-D-3, F-28-138-D-4, F-28-138-D-5, F-28-138-D-6, F-28-138-D-7, F-28-138-D-8, F-28-1282-A-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Semmler, also known as Margaret Semmler whose last known address is Bad Mergentheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon,

b. Sixteen shares of no par value common stock of Consolidated Oil Corporation, now known as Sinclair Oil Corporation, 630 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered LA021608 and LA030757, each for eight shares, registered in the name of Mrs. Margaret Semmler and presently in the custody of

The National City Bank of New York, 55 Wall Street, New York, New York, in a customer's account of Deutsche Reichsbank, also known as Reichsbank Direktorium, together with all declared and unpaid dividends thereon, and

c. Those certain debts or other obligations of Petroleum Corporation of America, 40 Wall Street, New York, New York, in the total amount of \$20.08, as of December 31, 1945, evidenced by check number 236, in the amount of \$2.08, dated May 16, 1941, and by check number 9017, in the amount of \$18.00, dated December 20, 1939, both of which checks were issued by the aforesaid Petroleum Corporation of America to the order of The National City Bank of New York, a/c Reichsbank Direktorium, Aalen A/63, and which are presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all rights in, to and under, including particularly, but not limited to, the rights to possession and presentation for collection and payment of, the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on December 18, 1946.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director,  
Office of Alien Property.

## EXHIBIT A

Name, address, and State of incorporation of issuer	Certificate No.	Number of shares	Par value	Type of stock	Registered owner	Name, address, and State of incorporation of issuer	Certificate No.	Number of shares	Par value	Type of stock	Registered owner
The Continental Insurance Co., 80 Maiden Lane, New York, N. Y., Incorporated in New York.	112446	25	\$10	Capital...	Mrs. Margarete Semmler.	Petroleum Corp. of America, 40 Wall St., New York, N. Y., Incorporated in Delaware.	08215-	50	\$5	Capital...	Mrs. Margarete Semmler.
Cities Service Co., 60 Wall St., New York, N. Y., Incorporated in Delaware.	15181	1	10	Common...	Margarete Semmler.	Wesson Oil & Snowdrift Co., Inc., 210 Baronne St., New Orleans, La., Incorporated in Louisiana.	CTF 799	15	No	Preferred.	Mrs. Margarete Semmler.
Aviation Corp., 420 Lexington Ave., New York, N. Y., Incorporated in Delaware.	13704	20	3	do.....	Margaret Semmler.	Columbia Gas & Electric Corp., 902 Market St., Wilmington, Del. Incorporated in Delaware.	372891	25	No	Common.	Margarete Semmler.
American Airlines, Inc., 100 East 42nd St., New York, N. Y., Incorporated in Delaware.	17037	2	10	do.....	Do.	Colonial Airlines, Inc., 630 Fifth Ave., New York, N. Y., Incorporated in Delaware.	CO 13285	1	1	Capital...	Margaret Semmler.

[F. R. Doc. 46-21972; Filed, Dec. 27, 1946; 8:46 a. m.]

## DEPARTMENT OF THE INTERIOR.

## Bureau of Land Management.

## CALIFORNIA

## CLASSIFICATION ORDER

DECEMBER 9, 1946.

1. Pursuant to Order No. 2238 of the Secretary of the Interior, dated August 16, 1946, I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), for leasing, as hereinafter indicated, the following described public lands in the Los Angeles, California, land district embracing 1,594.03 acres:

SMALL TRACT CLASSIFICATION No. 103

CALIFORNIA NO. 41

For all of the purposes mentioned in the act except business and camp sites.

## San Bernardino Meridian

T. 1 N., R. 7 E.,

Sec. 6, lots 1 and 2 of the NW 1/4, lots 1 and 2 of the SW 1/4, SE 1/4

Sec. 8, NE 1/4.

Sec. 18, lots 1 and 2 of the NW 1/4.

Sec. 31, lots 3 to 10, inclusive.

Sec. 32, lots 1 to 8, inclusive.

Sec. 35, lots 1 to 4, inclusive.

2. These lands are located in a desert area near the south-central part of San Bernardino County about 135 miles east of Los Angeles and 15 miles west of Twentynine Palms, the nearest developed community having electric power and telephone services, various kinds of business, as well as recreational, educational and religious facilities. A paved highway to Twentynine Palms runs east-west through the township about a mile north of its southern boundary. Most of the

tracts may be reached from this highway over passable dirt roads.

3. The lands are about 3,000 feet above sea level, and, in the northern part of the township, have an almost level contour. Farther south the surface becomes rolling, and, in the southwest, it is rough and hilly. Vegetation consists of native brush, grasses, shrubs, plants and trees. The mild climate is typical of the desert.

4. No surface water exists. It must be hauled from available sources in the township. Known wells have a depth of from 160 to 360 feet. Development of underground water should be feasible if undertaken as group projects.

5. Pursuant to § 257.8 of the Code of Federal Regulations (43 CFR, Part 257, Cum. Supp., as amended by Circ. 1613, February 27, 1946), a preference right



to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 1:15 p. m. on April 19, 1946, and (b) are for the type of site for which the land subject thereto has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

6. As to the land not covered by the applications referred to in paragraph 5, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on February 10, 1947. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on February 10, 1947, to close of business on May 11, 1947, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on or after 1:15 p. m. on April 19, 1946, together with those present at 10:00 a. m. on January 21, 1947, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on May 12, 1947, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference-right filings.* Applications under the small tract act by the general public filed on or after 1:15 p. m. on April 19, 1946, together with those presented at 10:00 a. m. on April 22, 1947, shall be treated as simultaneously filed.

7. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

8. All applications for the lands referred to in paragraphs 5 and 6, which shall be filed in the District Land Office at Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the

Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

9. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Acting Director, Bureau of Land Management, improvements which, under the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of five years, at an annual rental of \$5 for home, cabin, health, convalescent and recreational sites, payable yearly in advance.

10. The land will be leased in tracts of approximately five acres, or aliquot parts thereof, each being approximately 330 by 660 feet, or aliquot dimensions thereof. The tracts should conform in description with the rectangular system of surveys as one compact unit, the lands covered by applications referred to in paragraph 6 having the longest dimension extending in a north-south direction. Preference right leases referred to in paragraph 5 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract is made to conform to the areas and dimensions specified above. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, however, the acting manager is authorized to accept applications for the remaining 5-acre tract or aliquot parts thereof extending in the same direction so as to fill out the subdivision notwithstanding the direction of the tract may be contrary to that specified above.

11. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

FRED W. JOHNSON,  
Acting Director.

[F. R. Doc. 46-21954; Filed, Dec. 27, 1946;  
8:45 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Office of the Secretary.

[No. 175]

### FRESH BARTLETT PEARS, PLUMS AND PEACHES.

#### NOTICE OF REFERENDUM TO BE CONDUCTED AMONG PRODUCERS IN CALIFORNIA; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the current marketing season be-

ginning on April 1, 1946, have been engaged, in the State of California, in the production of Bartlett pears, plums, or Elberta peaches for shipment in fresh form to determine whether a majority of such producers favor the termination of the aforesaid marketing agreement and order, as to any one or more of the fruits covered thereby. D. M. Rubel, G. A. Nahstoll, R. M. Walker, and James H. Bryce, Jr., in the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot in the manner herein authorized, relative to the aforesaid termination of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing fresh Bartlett pears, plums, or Elberta peaches grown in the State of California or in rendering services for or advancing the interests of the producers of any such fruits, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By conducting said referendum during the period January 17 through February 1, 1947, both dates inclusive.

(3) By giving public notice, as prescribed in (a) (4), (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to R. M. Walker, Chief, Western Marketing Field Office, Fruit and Vegetable Branch, Post Office Box 773, Berkeley, California, and must be postmarked not later than February 1, 1947.

(4) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of California; (ii) by mailing a notice thereof, including a copy of the appropriate ballot form, to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(5) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determines that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(6) By giving ballots to producers at the meetings; and receiving any ballots when they are cast.

(7) By securing the name and address of each person casting a ballot, and in-



quiring into the eligibility of such person to vote in the referendum.

(8) By giving public notice of the time and place of any meetings authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (4).

(9) By forwarding to R. M. Walker, Chief, Western Marketing Field Office, Fruit and Vegetable Branch, Post Office Box 773, Berkeley, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and,

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(10) By appointing any farm adviser in charge of any county agricultural extension office located in any of the counties in the districts (as such districts are defined in the aforesaid amended marketing agreement and order), and any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such farm adviser and other person so appointed shall serve without compensation and may be authorized, by the said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (6), (7), (8), and (9) (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

(b) Upon receipt by R. M. Walker of all ballots cast in accordance with the provisions hereof, and such other information and data as may be required pursuant hereto, he shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid amended marketing agreement and order may be examined in the Office of the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., and at the Western Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 2288 Fulton Street, Berkeley, California.

Ballots to be cast in the referendum may be obtained from any referendum agent and any appointee hereunder.

Done at Washington, D. C., this 23d day of December 1946.

[SEAL] CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 46-21967; Filed, Dec. 27, 1946;  
8:51 a. m.]

#### CIVIL AERONAUTICS BOARD.

[Docket No. 221 et al.]

CINCINNATI CASE

#### NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of applications for certificates and amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above proceeding, now assigned to be heard on January 13, 1947, is hereby postponed to be held on January 16, 1947, 10 a. m., eastern standard time, in Room 5042 Commerce Bldg., Washington, D. C., before the Board.

Dated at Washington, D. C., December 23, 1946.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 46-21965; Filed, Dec. 27, 1946;  
8:45 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. G-829]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

DECEMBER 20, 1946.

Notice is hereby given that on December 16, 1946, Cities Service Gas Company (Applicant), a Delaware corporation, having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma, Kansas, Nebraska and Missouri, filed an application (an application for a temporary certificate having been filed on December 9, 1946) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate a positive meter setting at a point mutually convenient to Applicant and Nowata County Gas Company on Applicant's 16-inch pipe line in the Northwest Quarter (NW¼) of Section 20, Township 28 North, Range 16 East, Nowata County, Oklahoma, for the purpose of delivering and selling emergency gas to Nowata County Gas Company for resale to the latter's customers in and about the City of Lenapah, Nowata County, Oklahoma.

Applicant recites that local supplies of gas available to Nowata County Gas Company to serve the City of Lenapah, Oklahoma, have become depleted to such an extent that Nowata County Gas Company requires emergency service in order to insure an adequate supply of gas on winter days. Applicant will deliver such volumes of gas to Nowata County Gas Company, subject, however, to such gas as Applicant can safely spare over and above Applicant's requirements to its existing customers.

Applicant states that until such time as new rate schedules are filed by Applicant and allowed to become effective by the Federal Power Commission, the rate proposed to be charged by Applicant for the emergency service to be rendered is thirty-five cents (35¢) per Mcf or twenty-five dollars (\$25.00) per month minimum charge.

Applicant estimates the total over-all cost of construction of the proposed facility is \$560, which fund Applicant proposes to disburse from its own treasury.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Cities Service Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accord-



ance with the Commission's rules of practice and procedure.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 46-21952; Filed, Dec. 27, 1946;  
8:46 a. m.]

[Docket Nos. IT-6000, IT-5998]

NORTHWESTERN ELECTRIC CO. AND PACIFIC  
POWER AND LIGHT CO.

#### NOTICE OF ISSUANCE

Notice is hereby given that, on December 23, 1946, the Federal Power Commission issued its Opinion No. 146 and order authorizing and approving merger of facilities, entered December 20, 1946, in the above-designated matters.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 46-21975; Filed, Dec. 27, 1946;  
8:47 a. m.]

#### FEDERAL SECURITY AGENCY.

##### Food and Drug Administration

[Docket No. FDC 36-A]

CANNED PEAS; AMENDED DEFINITION AND  
STANDARD OF IDENTITY

#### TENTATIVE ORDER

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371); and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice issued on October 1, 1946 (11 F. R. 11383), the following order be made:

**Findings of fact.**<sup>1</sup> 1. By order dated November 25, 1942 and published in the FEDERAL REGISTER on December 1, 1942 (7 F. R. 9918) the definition and standard of identity for canned peas was amended to provide for the use of small amounts of certain alkaline substances as optional ingredients. These substances are used to render the peas slightly alkaline during and after the canning process and to furnish a reserve of alkali in the peas when canned. Under these conditions the conversion of chlorophyll to pheophytin is retarded and the green color of fresh peas is largely retained without injuring the peas. (Exh. 3)

2. Recently it has been shown that in addition to the alkaline substances now recognized as optional ingredients the following substances can be used in small quantities with essentially the same results: sodium hydroxide, sodium bicarbonate, magnesium oxide, magnesium carbonate. Inclusion of these substances as optional ingredients in the definition and standard of identity of canned peas

will permit a wider use of canning methods designed to retain the green color of fresh peas. (R. 26-30, 35, 37, 42, 62, 69-70, 72, 74-75, 84, 86-87, 93-95, 109-111, 144-146, 158-163, 201-202, 205, 221, 230-231, 233, 239, 244, 276-278; Exh. 9, 15, 16)

3. In order to prevent the addition of unduly large quantities of these alkaline substances with the likelihood of injury to the peas, a limit as to the amounts which may be used is necessary. The same limit as that now prescribed namely, that the hydrogen ion concentration of the finished canned peas, as determined by the glass electrode method, is not more than pH 8, is likewise a reasonable limit as to the quantities of the alkaline substances named in finding 2 which may be used. (R. 138-139, 150, 209-210, 232)

4. The alkaline substances named in finding 2 are suitable only for use with succulent peas. (R. 147, 212-213)

5. When alkaline substances are added as optional ingredients to canned peas consumers are concerned to know of that fact and should be so informed. A label statement in one of the following forms will reasonably inform consumers of their presence: "Traces of ----- added", the blank to be filled in with the names of the alkalis used; or "Traces of alkalis added." (R. 136-137, 147, 200-201, 215; Exh. 3)

**Conclusion.** On the basis of the foregoing findings of fact it is concluded that the following amendments to the regulation fixing and establishing a definition and standard of identity for canned peas (21 C. F. R. Cum. Supp. 51.0) will promote honesty and fair dealing in the interest of consumers and it is proposed to amend said regulation by striking out § 51.0 (c) (7) and § 51.0 (f) (6) and substituting the following sections:

§ 51.0 *Identity; label statement of optional ingredients.* \* \* \*

(c) \* \* \*

(7) Sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide, or magnesium carbonate or any mixture or combination of them in such quantity that the hydrogen ion concentration of the finished canned peas, as determined by the glass electrode method, is not more than pH 8.

(f) \* \* \*

(6) If one or more of the optional ingredients named in paragraph (c) (7) of this section is used the label shall bear the statement "Trace of ----- added" the blank to be filled in with the names of the ingredients used; but in lieu of such statement the label may bear the statement "Traces of alkalis added".

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the General Counsel, Room 3257, Social Security Building, 4th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific refer-

ences to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

[SEAL]

WATSON B. MILLER,  
Administrator.

DECEMBER 23, 1946.

[F. R. Doc. 46-21961; Filed, Dec. 27, 1946;  
8:51 a. m.]

#### INTERSTATE COMMERCE COMMISSION.

[S. O. 422, Special Permit 21]

HOLDING OF BULK POTASH AT TEXAS CITY,  
TEX.

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 422 (11 F. R. 250), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 422 insofar as it applies to the holding under load until December 31, 1946, by the Texas City Terminal Railway at Texas City, Texas, of cars NYC 103146, B&O 178299, ATSF 135802 and 16 other cars all containing bulk potash, awaiting transshipment to vessel.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of December 1946.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 46-21969; Filed, Dec. 27, 1946;  
8:47 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-54, 70-559, 59-50]

NORTHERN STATES POWER CO. (DEL.) ET AL.

ORDER REGARDING CERTAIN ACCOUNTING  
ENTRIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December 1946.

In the matter of Northern States Power Company (Delaware), File No. 54-54; Northern States Power Company (Minnesota), File No. 70-559; and Northern States Power Company (Delaware) and each of its subsidiaries, File No. 59-50.

The Commission having on November 8, 1946, issued its findings, opinion and

<sup>1</sup> The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.



order herein regarding proceedings pursuant to sections 11 (b) (2), 11 (e), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 concerning Northern States Power Company (Delaware), a registered holding company, and its subsidiary, Northern States Power Company (Minnesota), also a registered holding company; such order having, among other things, required Northern States Power Company (Minnesota) to effectuate certain accounting adjustments, to establish a "Reserve for possible adjustment of utility plant accounts and other balance sheet accounts" in the amount of \$29,500,000; and such order having reserved jurisdiction to pass upon charges to such reserve account and to Paid-in Surplus of Northern States Power Company (Minnesota);

Northern States Power Company (Minnesota) having thereafter requested an order of the Commission for the effectuation of the accounting entries hereinafter set forth which entries are in accordance with an order issued on July 3, 1946, by the Federal Power Commission.

The Commission having considered the request and finding that the proposed accounting entries are in accordance with said order of the Federal Power Commission;

*It is ordered*, That Northern States Power Company (Minnesota) shall effect the following accounting entries:

Dispose of \$23,045,255.92 included in the Utility Plant Acquisition Adjustment Account (Account 100.5 items) by charging \$21,646,056.87 thereof to "Reserve for possible adjustment of utility plant accounts and other balance sheet accounts" and \$1,399,199.05 to Paid-in Surplus; and dispose of \$3,753,460.73 included in the Utility Plant Adjustment Account (Account 107 items) by charging \$7,853,943.13 to "Reserve for possible adjustment of utility plant accounts and other balance sheet accounts"; and dispose of the balance of \$899,517.60 in Utility Plant Adjustment Account to the following accounts in the amounts shown:

Account 111.2, Advances to Associated Companies.....	\$102,885.48
Account 131, Materials and Supplies.....	(371.86)
Account 142, Preliminary Survey and Investigation Charges.....	621,007.00
Account 212, Advances from Associated Companies.....	(2,549.47)
Account 250, Reserve for Depreciation.....	215,305.57
Account 265, Contributions in Aid of Construction.....	(36,759.12)
Total.....	899,517.60

( ) Indicates red figure.

*It is further ordered*, That jurisdiction heretofore reserved over any charges to the Paid-in Surplus to be created by Northern States Power Company (Minnesota) be, and it is hereby, continued.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 46-21956; Filed, Dec. 27, 1946; 8:46 a. m.]

[File Nos. 54-137, 59-58, 70-1178]

MIDLAND UTILITIES CO. ET AL.

ORDER APPROVING AMENDED PLAN AND GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of December 1946.

In the matters of Midland Utilities Company, File No. 54-137; Indiana Service Corporation, File No. 59-58; American Gas and Electric Company, File No. 70-1178.

Midland Utilities Company ("Utilities"), a registered holding company, having filed an application and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and other applicable sections of the act for approval of an amended plan of corporate simplification of its subsidiary, Indiana Service Corporation ("Indiana Service"), such plan providing, in general, for the recapitalization of Indiana Service, resulting in a new issue of common stock and the sale of that common stock to American Gas and Electric Company ("American Gas"), an unaffiliated registered holding company, the proceeds of such sale to be allocated among certain classes of existing securities of Indiana Service which are to be cancelled; and American Gas having filed an application and amendments thereto pursuant to section 10 of the act with respect to the acquisition by it of the new common stock to be issued by Indiana Service; and

Utilities having requested the Commission, pursuant to section 11 (e) of the act, to apply to a court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the amended plan; and

The Commission having issued its notice of filing and order for hearing on said plan and on said application by American Gas, and having directed that the proceedings thereon be consolidated with the proceedings previously instituted under section 11 (b) (2), 15 (f) and 20 (a) of the act with respect to Indiana Service; and

Copies of said notice of filing and order for hearing and copies of said plan having been mailed to each of the holders of the preferred and common stocks of Indiana Service (insofar as the identity of such security holders was known and available), notice having been given to all interested persons, public hearings having been held, at which hearings security holders of Indiana Service and other interested persons were afforded an opportunity to be heard, and briefs having been filed and oral argument having been heard; and

The Commission having considered the record and on December 13, 1946, having issued its findings and opinion finding said plan to be necessary to effectuate the provisions of section 11 (b) (2) of the act and fair and equitable to the persons affected thereby except as modification

was required therein, and requiring an amendment to the said plan so that the amount to be allocated between the two series of preferred stockholders be distributed in such manner as to allocate to each share of 7% preferred 9/8ths of the amount allocated to each share of 6% preferred; and

Utilities having filed, on December 18, 1946, such amendment to the amended plan;

In accordance with said findings and opinion dated December 13, 1946,

*It is ordered*, Pursuant to section 11 (e) of the act and other applicable provisions of the act, that the amended plan be, and hereby is, approved, and the applications and declarations with respect to the issuance of new securities, the cancellation of outstanding securities and the distribution of cash be, and hereby are, granted and permitted to become effective, respectively, subject to the conditions specified in Rule U-24 and subject to the further condition that Indiana Service obtain from the Public Service Commission of the State of Indiana such orders as may be necessary to the carrying out of the transactions proposed in the amended plan.

*It is further ordered*, That jurisdiction be, and hereby is, reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan, the transactions incident thereto and the consummation thereof, and, in the event that the amended plan is not consummated with reasonable promptness, to enter such further orders as it may deem appropriate under sections 11 (b) (2), 15 (f) and 20 (a) of the act without further proceedings.

*It is further ordered*, That jurisdiction be, and hereby is, reserved over (1) the reasonableness and appropriate allocation of all fees and expenses and other remunerations incurred and to be incurred in connection with the plan and the transactions incident thereto except legal fees and expenses incurred by American Gas; and (2) the accounting treatment in connection with the carrying out of the plan.

*It is further ordered*, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court pursuant to the provisions of section 11 (e) and in accordance with subsection (f) of section 18 of the act, to enforce and carry out the terms and provisions of the amended plan.

*It is further ordered*, That this order shall not be operative to authorize the consummation of the transactions proposed in the amended plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said amended plan.

*It is further ordered*, That the application of American Gas and Electric Company, pursuant to section 10 of the act, in respect of the acquisition of new common stock of Indiana Service, be, and hereby is, granted, subject to the conditions contained in Rule U-24 and to the



further condition that American Gas cause the transportation, gas and water properties of Indiana Service to be disposed of within one year from the date of such acquisition: *Provided, however*, That application may be made for an extension or extensions of such period for good cause shown, and that upon disposition of such transportation, gas and water properties American Gas promptly take steps to cause Indiana Service to be merged into Indiana & Michigan Electric Company, and jurisdiction is hereby reserved to take such additional and further action as the Commission may find to be appropriate in connection with such merger.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-21957; Filed, Dec. 27, 1946;  
8:46 a. m.]

[File No. 30-221]

#### EASTERN NEW YORK POWER CORP.

##### NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of December A. D. 1946.

Notice is hereby given that an application has been filed with this Commission, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935, by Eastern New York Power Corporation, a registered holding company, for an order under said act finding that it has ceased to be a holding company.

Notice is further given that any interested person may request the Commission in writing, not later than the 3d day of January, 1947, at 5:30 p. m., e. s. t., that a hearing be held on such matter stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon; at any time thereafter said application may be granted. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application which is on file in the office of this Commission for a complete statement of the matters contained in said application which may be summarized as follows:

On November 25, 1946, Eastern New York Power Corporation, a newly formed corporation, filed a certificate of registration under section 5 (a) of the act proposing to become a holding company until certain transactions then pending before the Commission under a section 11 (e) plan were completed. These transactions involved, among other things, the acquisition by Eastern New York Power Corporation of all the capital stock of Hudson River Power Corporation and System Properties, Inc., utility subsidiaries of International Hydro-Electric System, and the merger of the companies into Eastern New York Power Corporation. The plan was approved by the Commission by order dated December 4, 1946. Applicant states that

it acquired such stocks on December 5, 1946; that immediately following the acquisition, and on the same day, it filed in the Department of State of the State of New York a Certificate of Merger of Hudson River Power Corporation and System Properties, Inc., into Eastern New York Power Corporation pursuant to the Stock Corporation Law of the State of New York; and that upon the filing of said Certificate of Merger all of the assets of Hudson River Power Corporation and System Properties, Inc., became vested in Eastern New York Power Corporation, subject to the liabilities of said companies. Accordingly, applicant requests that the Commission find and declare by order that Eastern New York Power Corporation has ceased to be a holding company.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-21958, Filed, Dec. 27, 1946;  
8:46 a. m.]

[File No. 812-468]

#### ATLAS CORP. AND NORTHEAST AIRLINES, INC.

##### NOTICE OF APPLICATION, STATEMENT OF ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of December A. D. 1946.

Notice is hereby given that Atlas Corporation ("Atlas"), a registered investment company, and Northeast Airlines, Inc., ("Northeast") have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act, a proposed loan agreement between Atlas and Northeast pursuant to which Atlas agrees to lend Northeast up to \$1,250,000 and reserves the right to advance additional sums to Northeast up to \$779,125 to pay certain notes of Northeast in the event that Northeast is unable to do so. Atlas is to receive a commitment fee in the sum of \$6,250 and all loans are to bear interest at the rate of 3% from the date made until paid.

Atlas owns 100,000 shares of the 500,000 shares of capital stock of Northeast presently outstanding. Northeast is therefore an affiliated person of Atlas. Section 17 (a) of the act prohibits a registered investment company from making loans to an affiliated person. Atlas and Northeast have therefore filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting the proposed loan agreement from the provisions of section 17 (a) of the act. Atlas and Northeast assert that the proposed agreement meets the standards and requirements of section 17 (b).

Atlas agrees in the proposed loan agreement to lend Northeast up to \$1,250,000 for the following purposes: (1) up to \$605,000 to meet the cost of construction by Northeast of a hangar and service buildings at the General Edward Lawrence Logan Airport, Boston, Massachusetts, (2) up to \$150,000 to meet the cost of the purchase by Northeast of two

modified Douglas C-47 aircraft (including engines and equipment), (3) up to \$280,000 to be applied to the payment of the principal of a note dated November 16, 1945 heretofore executed and delivered by Northeast to the First National Bank of Boston, or, if the indebtedness of Northeast to the bank is increased by mutual agreement of Atlas and Northeast, to be applied to the payment of the increase indebtedness and interest, and (4) up to \$215,000 to use as working capital. The agreement provides that the amount to be lent for any of the foregoing purposes may be increased provided a corresponding decrease in the amount of unused obligations of Atlas for one or more of the other purposes is mutually agreed upon.

The agreement further provides that upon the maturity of each of six notes aggregating the principal sum of \$779,125 heretofore executed and delivered by Northeast to Pennsylvania-Central Airlines Corporation in connection with the purchase of six aircraft from the latter, Northeast will promptly pay the same or will notify Atlas of its inability to do so, and in the event that Atlas requests Northeast to pay any note or notes which Northeast is unable to pay and lends it sufficient funds to make payment, Northeast will use the funds to pay such note or notes.

All interested persons are referred to said application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

- (1) Whether the proposed loan agreement is fair and reasonable;
- (2) Whether the proposed loan agreement involves overreaching on the part of any person concerned;
- (3) Whether the proposed agreement is consistent with the policy of Atlas as recited in its registration statement and reports filed under the act;
- (4) Whether the proposed loan agreement is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

*It is ordered*, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on January 9, 1947, at 10:00 a. m., Eastern Standard Time, Room 318, in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

*It is further ordered*, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Invest-



ment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named applicants, Atlas Corporation and Northeast Airlines, Inc., and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceeding should file with the Secretary of the Commission, on or before January 7, 1947, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-21959; Filed, Dec. 27, 1946;  
8:46 a. m.]

[File No. 812-467]

AXE-HOUGHTON FUND, INC., ET AL.

NOTICE OF APPLICATION, STATEMENT OF  
ISSUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of December A. D. 1946.

In the matter of Axe-Houghton Fund, Inc., Prudential Investing Corporation and Leffler Corporation, File No. 812-467.

Notice is hereby given that Axe-Houghton Fund, Inc. and Leffler Corporation have filed an application pursuant to section 6 (c) and section 17 (e) (2) (C) of the Investment Company Act of 1940 for an order (1) exempting from the applicable provisions of section 17 (e) of the act, the payment to Leffler Corporation of a fee in connection with the acquisition by Axe-Houghton Fund, Inc. of all the assets of Prudential Investing Corporation, except a small amount of cash, and (2) exempting from the provisions of section 22 (d) of the act, the sale by Axe-Houghton Fund, Inc. of shares of its capital stock having an aggregate net asset value equal to the net asset value of Prudential Investing Corporation, for the latter's net assets.

Axe-Houghton Fund, Inc., is an open-end investment company registered under the Investment Company Act of 1940. Prudential Investing Corporation is a closed-end investment company registered under the Investment Company Act of 1940. Leffler Corporation is the underwriter for Axe-Houghton Fund, Inc. and is also an affiliated person of an affiliated person of Axe-Houghton Fund, Inc. Prudential Investing Corporation proposes to pay Leffler Corporation 2% of the value of its net assets in consideration of the services rendered by Leffler Corporation in arranging the proposed sale of its assets to Axe-Houghton Fund, Inc. The latter corporation proposes to issue its shares of capital stock for the net assets of Prudential Investing Corporation after deducting the 2% payment proposed to be made to Leffler Corporation. Leffler Corporation proposes to pay all expenses incidental to the proposed acquisition, the distribution of stock of Axe-Houghton Fund, Inc. to stockholders of Prudential Investing Corporation, and the dissolution of Prudential Investing Corporation.

The 2% payment to Leffler Corporation is prohibited by section 17 (e) of the act and the proposed sale of shares of stock of Axe-Houghton Fund, Inc. at less than the current public offering price described in its prospectus is prohibited by section 22 (d) of the act. Applicants request an exemption from these sections of the act and assert that the proposed transaction complies with the standards and requirements of section 6 (c) and section 17 (e) (2) (C), as the case may be.

The Corporation Finance Division of the Commission has advised the Commission that, upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination:

(1) Whether and to the extent to which it is necessary or appropriate in the public interest and consistent with the protection of investors and with the purposes fairly intended by the policy and provisions of the act, to exempt from the provisions of section 17 (e) (1) of the act, the payment to Leffler Corporation of 2% of the value of the net assets of Prudential Investing Corporation.

(2) Whether it is in the public interest and consistent with the protection of investors to permit Leffler Corporation, acting as "broker", to receive a fee in excess of 1% of the value of the net as-

sets of Prudential Investing Corporation.

(3) Whether and to the extent to which it is necessary or appropriate in the public interest and consistent with the protection of investors and with the purposes fairly intended by the policy and provisions of the act to permit Axe-Houghton Fund, Inc. to sell its shares of capital stock to Prudential Investing Corporation at a price less than the current public offering price described in its prospectus.

All interested persons are referred to said application which is on file in the office of this Commission for a more detailed statement of the matters of fact and law asserted.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on January 3, 1947 at ten o'clock, a. m., Eastern Standard Time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and

It is further ordered, That Robert P. Reeder, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. Any officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is given to the Axe-Houghton Fund, Inc., Leffler Corporation and Prudential Investing Corporation and to any person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before December 31, 1946, an application therefor in accordance with the provisions of Rule XVII of the rules of practice of the Commission, as amended, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 46-21960; Filed, Dec. 27, 1946;  
8:47 a. m.]